

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHARLES MANSON, SUSAN ATKINS,
LESLIE VAN HOUTEN, PATRICIA KRENWINKEL,

Defendants.

58

No. A253156

REPORTERS' DAILY TRANSCRIPT

Monday, August 17, 1970

P. M. SESSION

APPEARANCES:

For the People:

AARON H. STOVITZ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~RONALD HUGHES~~, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For Linda Kasabian:

GARY FLEISCHMAN, Esq.
RONALD L. GOLDMAN, Esq.

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JOSEPH B. HOLLOMBE, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

I N D E XPEOPLE'S WITNESS:REDIRECTKASABIAN, Linda
(Reopened)

7833(B)

1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 17, 1970

2 2:00 P.M.

3 ---O---

4 (The following proceedings were had in the
5 chambers of the court out of the hearing of the jury and
6 the defendants, all counsel being present:)

7 THE COURT: Two preliminary matters before we take up
8 whatever Mr. Bugliosi wants to talk to the Court about.

9 Included in the mail that I have been receiving
10 almost every day was one today, enclosed in which was a
11 letter which apparently was intended for Linda Kasabian.
12 I have it here.

13 I suppose it should be turned over to her
14 attorneys.

15 MR. FITZGERALD: Or to Linda Kasabian.

16 THE COURT: Well, yes.

17 And I would propose to do that. That
18 apparently is a return envelope. It wasn't sealed, and the
19 letter to her was inside there and I could not tell whether
20 that was part of the letter to me or not until I read it.

21 And apparently it is her letter, a letter
22 intended for her rather, enclosed within a return envelope
23 addressed to the "Good Samaritan."

24 MR. STOVITZ: I would say to Mr. Kanarek,
25 "Occasionally I get letters addressed to Mr. Manson. I
26 turn them over to the bailiff with instructions he is to

1 receive them during the ordinary course of mail he receives
2 from the Sheriff's Department.

3 THE COURT: The second thing is I wrote a letter,
4 as you may recall, to Mr. McBride's, our regular juror, to
5 his employer, the Ashland Chemical Company. My letter to
6 them was in connection with his expressed fears about loss
7 of employment or compensation or both.

10

10-1

1 I have received a letter in answer to my
2 letter from the plant manager, Harold E. Mork.

3 Do any of you have any objection to my turning
4 this letter over to Mr. McBride so that he can see what
5 his company intends to do?

6 MR. STOVITZ: No objection.

7 MR. FITZGERALD: No objection.

8 THE COURT: All right.

9 MR. KANAREK: May I look at the letter?

10 THE COURT: Oh, yes, you all are free to look at it.

11 MR. FITZGERALD: What does the letter say, in substance?

12 THE COURT: In substance it says that there has been
13 a misunderstanding, that he is going to get paid, that he
14 is not going to lose his job, and they are proud to have
15 their employees serve on juries.

16 MR. KANAREK: With that representation by the Court,
17 your Honor, I don't even need to read the letter then.

18 I have no objection to it.

19 THE COURT: I will give it to the bailiff.

20 Put it in a plain envelope, Mr. Clerk, and hand
21 it to Mr. Murray, and he can hand it to Mr. McBride during
22 the recess.

23 THE BAILIFF: Do you want it back?

24 THE COURT: I don't want it back.

25 MR. KANAREK: However, I would like a copy of it to
26 be a permanent record of this case.

10-2

1 May we then have it Xeroxed and then go to
2 Mr. McBride?

3 THE COURT: For what purpose?

4 MR. KANAREK: Your Honor, I see no harm in having
5 permanent -- you can never tell what is going to happen
6 in the future, and I think there is just no harm in having
7 a permanent record.

8 THE COURT: This has nothing to do with the case.

9 MR. STOVITZ: I submit that a subpoena duces tecum
10 can get the carbon copy of the letter. I am sure that in
11 the regular course of business the company kept a carbon
12 copy of this letter.

13 MR. KANAREK: May I just ask the Court just one
14 other favor?

15 THE COURT: Yes.

16 MR. KANAREK: I am not alleging any impropriety
17 whatsoever, but your Honor indicated that your Honor did
18 read the Linda Kasabian letter; is that correct?

19 THE COURT: That's right. I read it because it was
20 contained within a letter addressed to me, and the letter
21 to her was unsealed. It was contained in an envelope
22 that had a completely different address on it, addressed
23 to The Good Samaritan.

24 MR. KANAREK: May I then read the Linda Kasabian
25 letter in view of the fact that your Honor has read it?

26 THE COURT: I didn't read it all. I just opened

1 it up and saw that it was addressed to her.

2 If I was under oath, I couldn't tell you a
3 single thing that was said in the letter. All I did was
4 just identify it and then put it back in the envelope.

5 MR. KANAREK: Very well, your Honor.

6 THE COURT: Now, one other thing.

7 It has come to my attention that Mr. Hughes,
8 after the morning's session, was creating a rather loud
9 disturbance in the hall outside, including some statements
10 which, if the reports that I received are accurate, accused
11 the Court of being prejudiced against the defendants, or
12 his defendant, and I don't know ^{what} else.

13 But the reports that I received indicated that
14 this was done in a voice that could be heard all the way
15 down the hall, and apparently was stated in what amounted
16 to a yell, this before the television media representa-
17 tives.

18 I don't know whether it was photographed or
19 recorded or not. I believe it was recorded.

20 I think I heard someone say that they had heard
21 one of the media state what was on the tape.

22 10a fls

JA-1
1 I am not in a position to do anything about
2 it until I know what it was that occurred. I am simply
3 telling you what I have received second-hand.

4 But I might remind you, Mr. Hughes, that you
5 are not free to be contemptuous simply because you are out-
6 side the courtroom, and when you stand out in the hall out-
7 side of the courtroom in a criminal courts building and
8 yell at the top of your voice things that have been
9 attributed to you, it might very well be contemptuous conduct.

10 MR. SHINN: Did your Honor say that once we get out
11 of the court session we cannot say what we are free to say,
12 your Honor? I mean, this is not in a court session.

13 THE COURT: I am saying just exactly what I said.
14 It doesn't need any interpretation.

15 All right. I have nothing further on that
16 subject. I just wanted to bring it up.

17 MR. STOVITZ: On a related subject --

18 THE COURT: It may or it may not be the end of the
19 incident. I don't know. I am simply telling you what I
20 have learned so far.

21 MR. STOVITZ: On a related matter, before Mr. Bugliosi
22 brings up his matter, your Honor, the Sheriff's Department
23 issued, I considered, pretty good and pretty strict
24 requirements that the TV cameras stay down at the end of
25 the hall between Department 106 and 105 there.

26 We are going to have some witnesses who are

1 very reluctant to have any type of publicity. They do not
2 want their pictures in the newspapers. They do not want
3 their names and pictures in the newspaper.

4 I wonder if your Honor could ask the Sheriff's
5 Office to ask all people with cameras to maintain the
6 regulations that your Honor first issued at the beginning of
7 the case.

8 We can find means of getting the witnesses in
9 through the elevators so that they won't be photographed
10 there, but once they come out of the courtroom the cameras
11 come up now right close to the courtroom doors and photo-
12 graph the witnesses.

13 The witnesses have asked us to keep their names
14 and photographs out of the media. So, if your Honor can
15 reinforce your earlier regulations.

16 THE COURT: What earlier regulations?

17 MR. STOVITZ: It seems to me that there was to be no
18 interviews in the courtroom, no tape recordings of the
19 parties involved, except behind the rope put up outside the
20 courtroom, that the TV interviews should be held down the
21 end of the corridor where the TV cameras are set up with a
22 light.

23 THE COURT: Has there been some change in that?
24
25
26

10b-1

1 MR. STOVITZ: There hasn't been a change, but it is
2 like a tide coming in, they get closer and closer to the
3 doorway of the courtroom, and I noticed that as I was
4 coming into the courtroom at 2:00 o'clock today, or four
5 minutes to 2:00, they were photographing people that had
6 nothing to do with the case. They weren't witnesses, but
7 they were photographing people.

8 MR. FITZGERALD: They photographed people that get
9 off the elevator.

10 MR. STOVITZ: We have a way of keeping them from
11 getting off on the eighth floor. They get off on the
12 seventh floor and walk up.

13 Mr. Weber, for instance, doesn't want any
14 publicity whatsoever.

15 THE COURT: Of course, they could be brought down from
16 the ninth floor.

17 MR. STOVITZ: Yes, we were thinking about that.

18 I think the main thing is coming in and out of
19 the courtroom, that the cameras should be asked to step
20 back.

21 We are in a very poor position to do that,
22 it seems to me.

23 Thank you.

24 THE COURT: I take it Mr. Younger is no longer so
25 vociferous in all the media about the desirability of having
26 the public fully informed.

10b-2

1 MR. HUGHES: Your Honor, I wish again to bring up
2 the point that in this case we are not getting a public
3 trial.

4 We have the seats numbered off. Sixteen
5 people out of a courtroom that seats 92, I believe.
6 Sixteen people from the general public are allowed in.

7 These people start queuing up at 5:30 in the
8 morning, I am told. Then they are subjected to a rigorous
9 search by the Sheriff.

10 MR. STOVITZ: So is my wife, Mr. Hughes.

11 MR. HUGHES: Nonetheless, I feel that these things
12 -- I feel that the Court is playing with the news media
13 by allotting these seats.

14 Some days seats go empty. I believe your Honor
15 is able to see that from the bench. And the public is not
16 permitted to come in and take up these fully allotted seats.

17 THE COURT: Yes, they are.

18 MR. HUGHES: Your Honor, I have seen some days when
19 there have been empty seats for a matter of -- well, for
20 some length of time.

21 MR. STOVITZ: I think the record is quite clear that
22 those seats are people who temporarily absent themselves
23 and then come back into the courtroom.

24 I have spoken to Mr. Frediani, and 15 minutes
25 after the court session starts, any empty seat is filled
26 with somebody from the general public.

1 If somebody gets up and leaves the courtroom,
2 they don't know whether they are coming back or not.

3 I think the general public has been getting
4 into this trial. I consider my friends, my wife, and your
5 friends part of the general public.

6 MR. HUGHES: I would say also that the general public
7 informs me that once they get into the courtroom, they are
8 not allowed to get up to go out to use the rest-room
9 facilities. They are not allowed to get up to go and get a
10 drink of water. That many of them have been, say, without
11 water and without using facilities, sanitation facilities,
12 since 5:30, since the time they got here originally in
13 the morning, and I feel that all of this --

14 THE COURT: I don't know what they do at 5:30, but
15 we have a recess in the morning and we have one in the
16 afternoon. They don't go for more than an hour.

11 fls.

11-1
1 MR. HUGHES: I told your Honor that if they get up,
2 if they get up --

3 MR. STOVITZ: They are told that if they leave and
4 go outside beyond that desk they will have to be subjected
5 to another search to come back in; that it would be much
6 better for them to remain in their seats during the 11:00
7 o'clock recess.

8 MR. FITZGERALD: What Mr. Hughes is pointing out,
9 let's be honest about it, if we are going to talk about it
10 at all, there are different rules that apply to the media,
11 the media comes here late, they walk in and out, they filed
12 stories all through these court proceedings.

13 THE COURT: Also the media have been screened and
14 given passes and I.D. cards and have been subjected to a
15 very careful scrutiny by the Sheriff's Department so they
16 don't have to be searched every time they come in and out.

17 There are many problems connected with a trial
18 like this.

19 Obviously there are not enough seats. If we
20 held it in the Coliseum there still wouldn't be enough
21 seats, but you cannot separate the media from the general
22 public. They are representing the general public and it is
23 because they are here that the general public has a coverage
24 100-fold more than they have in the average trial, probably
25 10,000-fold more than they have in the average trial. It
26 could not be more public without holding it out in the park

11-2
1 somewhere.

2 Well, all right, let's get on to the business
3 at hand.

4 MR. BUGLIOSI: The reason I requested this hearing
5 before 2:00, your Honor, is so that it would not take up
6 court time, but the People are going to request that we
7 reopen direct for some questions, and also for some
8 additional redirect.

9 I think some areas were not clarified. I am
10 going to ask the Court to keep in mind the fact that
11 Mrs. Kasabian apparently intends to return to New Hampshire.
12 We don't know whether she will come back. She said she
13 will and we hope she will, but anything can happen.

14 It is imperative, as long as we have her here
15 now, and she is about to leave the jurisdiction, that we
16 get all relevant testimony we can from her.

17 In the Court's discretion I would ask per-
18 mission to reopen the record for a few questions, and also
19 for some additional redirect.

20 If the Court is then so inclined I would like
21 to indicate to the Court at this time what areas I would like
22 to go into, and the reason I would like to go into them,
23 et cetera.

24 MR. FITZGERALD: We have no objection to the
25 reopening, at least I don't have any objection to him
26 reopening, but if this witness -- this witness is a very,

1 very important witness during the course of this trial.

2 I think if she is about to leave the juris-
3 diction, she ought to be warned that she is under subpoena
4 and she and her counsel have represented she will be on a
5 48-hour on-call basis.

6 If she is intending to leave the jurisdiction
7 in order to frustrate the defendants' subpoena powers,
8 we will be deprived of due process of law.

9 If there is any question in that regard, we
10 will object to her being placed on call at all, and we
11 will ask your Honor to require her to be present in court
12 every day.

13 MR. STOVITZ: I think we can represent to you,
14 Counsel, that we will use all the facilities of our office
15 to bring her back.

16 We are thinking in terms of the fact that no
17 one knows what tomorrow will bring.

18 The airplane, upon which she may be riding, may
19 crash. She may be stopped by a police car and resist the
20 stopping and be shot to death.

21 Anything can happen, so if she is alive we will
22 use every facility of our office to bring her back.

23 MR. KANAREK: Your Honor, I must object. I do object
24 to any further questions by the prosecution of Linda
25 Kasabian; I object on the grounds that to do that would be
26 denial of due process and a fair trial on behalf of

1 Mr. Manson.

2 I refer to People vs. Carter, your Honor.

3 The point is this, your Honor --

4 MR. STOVITZ: That is the Red Hat case, your Honor,
5 is that the Red Hat case, Counsel?

6 THE COURT: What is the citation?

7 MR. KANAREK: 48 Cal. 2d 737.

8 It is our position, your Honor, that this is
9 an attempt to bring in evidence where the lady has been
10 further programmed.

11 It is our position -- I don't want to go so
12 far as to say subordination of perjury, your Honor, what
13 I'm saying is this:

14 The prosecution -- this is a witness that is
15 in the palm of the hand of the prosecution. There is no
16 doubt but what she --

17 THE COURT: What do you mean "in the palm of the
18 hand"?

1A

11a-1

1 MR. KANAREK: I say this witness is a puppet of the
2 prosecution.

3 THE COURT: She doesn't sound that way to me.

4 MR. KANAREK: Your Honor, that is what I'm saying.
5 That is one of the vices of this witness's testimony; that
6 is one reason why we have repeatedly on several occasions
7 asked that doctors be appointed.

8 Mr. Bugliosi has gone over the transcript and
9 he has found glaring weaknesses in this witness's testimony
10 so he has programmed her; he has spoken with her.

11 I say this without -- I mean, this is my alle-
12 gation. No doubt he has spoken with her and so he is now
13 going to go and fill in the gaps wherein she did not say
14 the right thing on cross-examination or on direct, and this
15 is improper, your Honor.

16 They don't have that many --

17 THE COURT: Why is it improper?

18 MR. KANAREK: It is improper because Mr. Bugliosi
19 is doing the testifying by this technique.

20 The point of the matter is I know the gaps --
21 I am well aware of the gaps in her testimony. She did not
22 say what Mr. Bugliosi wanted in certain instances.

23 She is now going to fill it up.

24 THE COURT: Isn't this the purpose of redirect
25 examination? At least that is one of the purposes.

26 Cross-examination often reveals apparent

11a-2

inconsistencies or ambiguities or gaps.

On redirect people attempt to fill in the gaps, yes. Then you have a chance to cross-examine again.

MR. KANAREK: Right, but they want to open up direct.

Mr. Bugliosi indicated that.

MR. BUGLIOSI: For a couple of points.

MR. KANAREK: For a couple of points. The point of the matter is, this particular witness of all witnesses, it is our position it is an abuse of discretion for the Court to allow any kind of opening -- reopening of this witness's testimony.

It is an abuse of discretion within the contemplation of what legal discretion is, and there is no question about it, this witness has been spoken to, we might just as well have Mr. Bugliosi get up and say what she is going to say because she is going to say what Mr. Bugliosi told her to say.

I mean, I am alleging this because of the fact that this witness would not speak to us.

These are matters that I am sure Mr. Bugliosi has spoken about with her.

THE COURT: I certainly would think so.

MR. KANAREK: Yes, but we don't get to talk to her, your Honor.

MR. HUGHES: Your Honor, at the 11:00 o'clock recess as I was going out the gate into the audience, and out into

1 the hall I looked over and Mr. Bugliosi was very closely
2 and very animatedly conversing with Linda, and with several
3 pieces of paper, and he looked up at me as I walked by
4 and caught their eye --

5 MR. BUGLIOSI: Your neck was out of joint, I was
6 concerned about your health. Your neck was like a
7 giraffe, leaning way over. I said "What are you doing
8 here?"

9 MR. HUGHES: You said "Get the hell out of here."

10 MR. BUGLIOSI: I didn't say that.

11 MR. HUGHES: Would you offer to be sworn?

12 THE COURT: Mr. Hughes.

13 MR. HUGHES: I had the feeling, your Honor --

14 THE COURT: Mr. Hughes, just a minute, I would
15 suggest you start comporting yourself like a lawyer.

16 I mean that seriously. You give evidence to
17 me of not having the slightest knowledge of the way a
18 lawyer should act in court.

19 The things you say and the things you do and
20 sometimes the way you look.

21 Now, I would suggest also that you don't help
22 your client any when you call attention to yourself in a
23 way in which you have done on a number of occasions.

24 MR. HUGHES: Would your Honor give me some specific
25 indication.

26 THE COURT: Well, I just did.

1 For one thing this morning, asking your
2 questions in a voice that amounted to a yell until I
3 admonished you.

4 And that of course has happened on other
5 occasions.

6 Since then it apparently occurred in the hall.

7 MR. HUGHES: You said something about how I looked,
8 your Honor.

9 THE COURT: I'm not speaking about your beard.

10 MR. HUGHES: Were you speaking about my clothes,
11 your Honor?

12 THE COURT: Yes, I think your appearance on several
13 days has left a good deal to be desired, in fact I will go
14 further than that, on days I have seen you when you were
15 downright shabby, including food stains on your shirt,
16 clearly evident at a distance of 20 feet.

17 MR. HUGHES: Was that in the afternoon or the
18 morning?

19 THE COURT: Several days it looked like the same
20 food stain.

21 MR. HUGHES: I was wondering, your Honor, if it was
22 after lunch or before?

23 THE COURT: Do you want some more specifics?

24 MR. HUGHES: Yes, if your Honor would.

25 THE COURT: I don't think that would be necessary.
26

11B-1

1 MR. BUGLIOSI: Mr. Hughes, I am sure you will interview
2 your witnesses before you call them to the stand; if you
3 don't do so I really think it is a matter for the State Bar,
4 if you call anyone to the stand that is a stranger to you,
5 I think that the State Bar should be notified of this.
6 I mean that.

7 MR. HUGHES: The point is you seemed out of shape
8 regarding the fact I --

9 THE COURT: This does not have to be on the record,
10 gentlemen, if you have some differences you want to discuss
11 outside somewhere you can do so freely without cluttering up
12 the record with it.

13 All right, now, what areas are you talking about?

14 MR. BUGLIOSI: Let me preface it by saying, by the
15 very nature of things I will have to ask leading questions
16 unless the Court wants me to go over the same matter, but
17 the leading questions will be only foundational to direct
18 the witness' attention to certain subjects.

19 On Page 5523 Mr. Fitzgerald was asking
20 questions to Linda Kasabian, that she coined the word
21 "Family."

22 I would like to ask her when was the first time
23 if at all she heard any member of this group refer to
24 themselves as a family.

25 He asked, "Aren't you the one who coined the
26 word family?"

11B2
1 There never was a satisfactory answer. It left
2 it in limbo, that maybe she gave it the name. It is, of
3 course, our position they all called themselves the Family
4 out there.

5 That is a matter of redirect examination.

6 There are other questions on redirect I don't
7 think there is any question, if the Court permits them to
8 be asked,

9 I wanted to go to the \$5,000 again. She came
10 back the second day; she was accompanied by Gypsy and
11 Mary Brunner.

12 I think this is a mitigating circumstance.
13 They went into this area at great depth, that she did not
14 come back by herself, she came with two members of the
15 Family.

16 THE COURT: Came back from where?

17 MR. BUGLIOSI: From Spahn Ranch, the second day,
18 came back from the ranch to where she had been living with
19 her husband and Charles Melton. She was with Gypsy and
20 Mary Brunner when she took the 5,000.

21 THE COURT: When you start getting into that you are
22 in effect trying a burglary or theft case.

23 MR. BUGLIOSI: They are the ones, your Honor. I did
24 everything possible to keep this 5,000 out, and then the
25 Court finally --

26 THE COURT: The only reason it came in was not to

11B3

1 show specific acts of misconduct for impeachment purposes.
2 It was to show her state of mind with respect to
3 Mr. Manson.

4 That was clearly indicated on the record.

5 MR. BUGLIOSI: That when she left on July 4th she had
6 no intent to steal the 5,000. This is something they went
7 into. I think there should be a clarification that when
8 she went to the Spahn Ranch on July 4th the \$5,000 was not
9 on her mind at all.

10 MR. FITZGERALD: Maybe I can save some time.

11 Mr. Kanarek's remarks notwithstanding, the issue
12 here is whether or not the People can open their direct
13 examination.

14 MR. STOVITZ: This would be redirect.

15 MR. FITZGERALD: If the Court were to foreclose
16 them from that opportunity, I have been through this
17 before, all the prosecution needs to do is let her step
18 down off the witness stand and then call her back as a
19 witness and take her on direct again.

20 I personally have no objection. They can
21 obviously recall her. They can recall her tomorrow or the
22 day after tomorrow or two weeks from now.

23 In terms of continuity we would probably be
24 better off doing it now.

25 MR. BUGLIOSI: Thank you, Paul, I think it is
26 obvious, your Honor, I don't think these things actually

1 should all be argued now. The only reason I am giving you a
2 brief indication is, when there is an objection made by
3 Mr. Kanarek, and he is sure to make an objection, I would
4 like to have the Court have some idea of what I am doing
5 because the Court might be of the frame of mind to sustain
6 the objection, and I am trying to avoid coming up to the
7 bench to discuss these things.

8 I am going very briefly now over these areas
9 here. I don't think they should be argued pro and con at this
10 point.

11c-1

1 Mr. Hughes, on cross-examination, implied that
2 at this orgy all that took place was hugging and kissing.

3 Again on redirect examination, almost all of
4 this is redirect, it is not really reopening direct, I
5 want to bring out some other type of activity was taking
6 place.

7 MR. HUGHES: You did have an opportunity to bring
8 these out on redirect, is that correct?

9 MR. BUGLIOSI: Some of these things were not brought
10 out; perhaps they should have been.

11 MR. STOVITZ: Some were brought out and there were
12 objections made by Mr. Kanarek. The answers were not
13 given until three or four pages later on the transcript,
14 and when they were answered they were answered in a partial
15 form, in a partial manner.

16 MR. BUGLIOSI: Also on redirect examination, I
17 think this was by Mr. Fitzgerald, asking her a question,
18 she said "I was always told never to ask why."

19 I wanted to ask her if Charles Manson told
20 her to never ask why. That is somewhat reopening direct
21 here.

22 I would like, I think it is fairly important,
23 I would like to go into the discussions that Manson had
24 with this Family at suppertime about his philosophies
25 and the fact he spoke about Helter Skelter, and he was
26 the only one who did the talking, although now and then

1 other members of the Family spoke. This would come in
2 under the Stevens case, showing the relationship of the
3 parties and their association with each other.

4 I would like to ask her if Manson ever said
5 anything about Jesus Christ in relation to the devil.
6 There are two reasons I would like to bring this in;

7 No. 1, the defense is trying to make her look
8 like some weird far-out straining individual. They are the
9 ones who examined in great depth on the devil and Christ.

10 Furthermore, Mr. Hughes on cross-examination
11 asked her if she thought Manson was Christ, and if she
12 thought she was a witch and if witches were associated
13 with the devil.

14 She said yes.

15 He asked her how she could reconcile being
16 associated with the devil and still be with someone whom
17 she thought was Christ.

18 Her explanation was that Manson told her that
19 Christ and the devil were one and the same.

20 This would be redirect examination of Mr.
21 Hughes! cross-examination.

22 She also testified on cross-examination by
23 Mr. Fitzgerald, "We all have part of the devil in us."

24 I would like to have her explain what she
25 meant by that.

26 She testified today on cross-examination she

1 thought other people were the devil. I would like to ask
2 her what she meant by that.

3 She testified on cross-examination by Mr.
4 Kanarek that she stopped believing Charles Manson was Jesus
5 Christ when she saw Frykowski with blood over him. I would
6 like to ask her why seeing Frykowski made her stop believing
7 that.

8 On page 5602 Mr. Fitzgerald asked her why she
9 thought he was Christ. I think the language was "Why do
10 you think he was the Messiah?"

11 Now we can ask her why she stopped believing he
12 was Christ.

13 I would also like to ask her if she had any
14 doubts as to whether he was Christ prior to the Frykowski
15 incident.

16 Now, here is the point, page 7141, Volume 51,
17 she tells me that she testified that Manson told her that
18 he did not want her to give attention to her daughter.

19 The way it came out in the transcript was that
20 Manson did want her to give attention to her daughter, but
21 that is not what she told me.

22 I would like to go into that.

23 Mr. Fitzgerald asked her if Tex was the father
24 of her child.

25 Mr. Hughes asked her when she became pregnant.

26 I would like on redirect examination to ask her

1 when she feels she became pregnant, who the father is.
2 I think a mother can testify who a father is, especially
3 when they raise that issue.

4 MR. FITZGERALD: I agree with that. As a matter
5 of fact the court records seem to indicate that the child
6 was fathered by Charles Manson.

7 THE COURT: The court records?

8 MR. FITZGERALD: Yes, I have it right here in my
9 hand as a matter of fact.

10 MR. STOVITZ: That is Tanya, Counsel.

11 MR. FITZGERALD: That's right, I'm sorry, excuse me.

12 fls.

12-1

1 MR. BUGLIOSI: There are a lot of little things, your
2 Honor.

3 If the Court is going to permit me to go into
4 redirect, there are certain things that I am sure the
5 Court will permit me to ask, and I am just going over the
6 area where I anticipate the problem.

7 I want to ask her again what she meant when she
8 said she was in a state of shock at the Tate residence.

9 It was never gone into on redirect. Mr. Stovitz
10 attempted to do so, and there was a volcano of objections
11 from Mr. Kanarek.

12 The transcript is clear, I think it is Volume 55,
13 that she never did have an opportunity, or if she did have an
14 opportunity, she never did testify to what she meant.

15 I want to show her a photograph and have her
16 identify what she meant by -- I want to bring her up to
17 People's 8 -- the record is clear, Mr. Stovitz cleared it
18 up, but People's 8 now definitely has an entry in there that
19 is incorrect.

20 She has an "M" where it says pole, and if you
21 look at the transcript, Mr. Kanarek asked her to put an
22 "M" where there is a pole, but the "M" should be where
23 Mr. Frykowski was.

24 Mr. Stovitz brought that out, but People's 8
25 does not reflect it.

26 I would like to ask her if she had any other

reason for running to the bottom of the hill.

1 She tells me that one of the reasons was that
2 she was frightened.

3 Mr. Fitzgerald, in Volume 45, asked her on
4 several pages, "Why didn't you call the police?" "Why
5 didn't she tell George Spahn." "When she came down to the
6 Hall of Justice, why didn't she tell the Sheriff?"

7 I would like to ask her why she did not report
8 the matter to the police.

9 Now, here is an area that I think is extremely
10 important, and I want to go into it, because I can antici-
11 pate the defense argument right now that when she left
12 the Spahn Ranch for Taos, New Mexico, she left her daughter,
13 Tanya at the ranch, and they are going to argue, I would
14 assume, that the reason she left Tanya there is that she
15 didn't think these people were murderers. And they cross-
16 examined her in great length on that.

17 I would like to ask her why she felt Tanya
18 would not be harmed, and if she intended to call the police
19 at that time.

20 She tells me she did not, and if she had
21 intended to call the police, when she left town, she would
22 never have left Tanya at the ranch.

23 All she was intending to do was run away.
24 She did not intend to call the police. If she did intend
25 to call the police, she would have unquestionably taken
26

12-3

1 Tanya with her.

2 on the second night. Volume 49. She said there
3 was some incident on the second night that made her
4 remember the first night.

5 She did not have an opportunity to say what
6 that incident was.

7 Referring to that, your Honor, I think there
8 might be an error here in the transcript, Volume 55,
9 Page 7549.

10 Mr. Stovitz asked a question that was
11 directly in point. He said, "Now, directing your attention
12 back to the second night, had you forgotten what had
13 happened on the first night?"

14 Which was the issue that Mr. Kanarek went into,
15 I would say, for about 15 pages on cross.

16 And the answer, as appears in the transcript:
17 "Now, no. How can I forget that?"

18 That does not answer his question. And
19 Mr. Stovitz recalls her saying, "No, no."

20 Is that correct?

21 MR. STOVITZ: I remember her saying, "No, no," and
22 it comes in the transcript, "Now, no."

23 If there is a stipulation, I won't have to go
24 into it.

25 MR. KANAREK: There is no stipulation.

26 MR. FITZGERALD: I don't recall.

1 MR. KANAREK: I make no stipulation.

2 THE COURT: My recollection is that she testified as
3 it is in the transcript. But that doesn't necessarily
4 answer the question.

5 MR. BUGLIOSI: His question is: "On the second
6 night, had you forgotten the first night?"

7 We know she hasn't forgotten about it, she
8 has been testifying about it for 16 days now.

9 If there is no stipulation, I would like to
10 ask her about that.

11 THE COURT: I remember thinking at the time that
12 the answer was given that there did not appear to be a
13 meeting of the minds between the questioner and the witness.

14 MR. KANAREK: Are you finished, Mr. Bugliosi?

15 MR. BUGLIOSI: No.

16 MR. STOVITZ: This is another example of why there is
17 an objection after each question. Not only did the witness
18 lose track of what the question is, but the jury loses
19 track of the question.

20 MR. FITZGERALD: Wait a minute. We don't have any
21 evidence of what the jury heard or didn't hear.

22 MR. STOVITZ: No. I mean that sometimes the jury
23 loses track of what the question or the answer is.

24 MR. BUGLIOSI: I am trying to save time going up to
25 the bench when we are out in open court. Unless the
26 Court doesn't want us to argue all these things now.

1 MR. KANAREK: Your Honor, this is ridiculous, if I
2 may say so.

3 MR. BUGLIOSI: I am trying to save time, your Honor.

4 MR. KANAREK: Your Honor, if I may?

5 Because Mr. Bugliosi and Mr. Stovitz don't
6 like what a witness answers, who I submit is insane, the
7 woman is insane, because they don't like what she says
8 doesn't mean that the Court has the discretion to open
9 the direct examination and redirect examination again, your
10 Honor.

11 It is incredible. I mean, Mr. Stovitz is here --
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1 THE COURT: Mr. Kanarek, in the first place, as to
2 your allegation of insanity, I don't know what you base it
3 on, but I have yet to see anything that leads me to
4 believe that this witness is incompetent in any manner
5 whatsoever.

6 MR. KANAREK: Your Honor, the point is this -- the
7 point is this -- and I am sure your Honor --

8 THE COURT: So, the bald statement that she is
9 insane isn't supported by anything that I know of.

10 MR. KANAREK: A person, your Honor, can be insane
11 and not give any outward manifestation of it.

12 The point is, that is the reason that we asked
13 for doctors to be appointed. This witness is a drug
14 oriented woman, your Honor --

15 THE COURT: All right. Let's --

16 MR. KANAREK: Your Honor, if I may.

17 The greatest tragedy in the world is occurring
18 here by allowing this witness to go on and on without having
19 doctors appointed.

20 I don't purport to be a psychiatrist, but when
21 Dr. Tweed --

22 THE COURT: You don't have to get into that.

23 MR. KANAREK: It is relevant. If I may, your Honor?

24 THE COURT: Had I seen the slightest evidence that
25 this woman required psychiatric help or a psychiatric
26 examination, whether it benefited one side or the other,

12b-2

1 I would not have hesitated to order such an examination,
2 but I have not seen such. She is a perfectly clear,
3 lucid, articulate, competent witness.

4 MR. KANAREK: What I am saying, your Honor, is this--

5 THE COURT: By that, I don't mean she is necessarily
6 telling the truth. She could be lying. That is not the
7 point. I am not judging her testimony. I am judging her
8 competence to testify --

9 MR. KANAREK: What I am saying --

10 THE COURT: -- on the basis of my observations.

11 MR. KANAREK: I am not challenging the Court's good
12 faith, I want the record to reveal this, I am not quarreling
13 with the Court's good faith, but I say that the Court is
14 dead wrong, and the Court is wrong for this reason: We
15 have a woman who, by her own admission, for years is
16 drug oriented.

17 THE COURT: Let's not get off on collateral matters.

18 MR. KANAREK: It is not collateral, your Honor.

19 THE COURT: It is collateral to what we are talking
20 about now.

21 MR. KANAREK: No. Because the point is that Mr.
22 Bugliosi is trying to fill in the gaps illegally.

23 The cases hold --

24 THE COURT: What do you mean by illegally? If I give
25 him permission to do it, it will be legal.

26

1 MR. KANAREK: Not if your Honor is abusing his
2 discretion.

3 THE COURT: Let me say. I didn't finish what I
4 started out to say, Mr. Kanarek.

5 MR. KANAREK: Yes, sir.

6 THE COURT: One of the reasons why I am seriously
7 thinking of letting the prosecution do what they are
8 asking to do -- and it is not unusual in any case -- is
9 because of your conduct during the examination.

10 As I mentioned to you the other day, I
11 concluded with some regret, after observing through the
12 direct examination of this witness for a number of days,
13 and cross-examination, that many of your objections and
14 motions were not made in good faith, and that they were
15 obstructive, that they were deliberately designed as a
16 trial tactic to disrupt the testimony of the witness.

12c fls 17

2C-1

1 So, I have that in mind, too, Mr. Kanarek,
2 when I am considering what Mr. Bugliosi is talking about.
3 Because I don't think either side should have to be
4 subjected to that, or anyone.

5 MR. KANAREK: May I have some specifics?

6 I would welcome going over the transcript.

7 The point is this: I would welcome going over
8 the transcript. Your Honor is making a broad generalization.

9 THE COURT: No, I am not making a broad generalization.
10 I am talking about Linda Kasabian and you.

11 MR. KANAREK: What I am saying, your Honor is making
12 certain statements. Rather than broad brush it, let's look
13 at those things, those statements and those objections.

14 MR. STOVITZ: May we suggest that at 8:00 o'clock
15 tomorrow morning, Mr. Kanarek, myself and your Honor --
16 I know your Honor is here at 8:00 -- go over some of these
17 questions and answers?

18 THE COURT: There is no need to do that. I sat there
19 day after day after day listening to it. I don't have to
20 read the transcript on that point. I remember it very
21 vividly.

22 MR. KANAREK: The point is that if they ask improper
23 questions, I have the obligation to object.

24 THE COURT: There is no question about that.

25 MR. KANAREK: When they ask improper question after
26 question after question, it looks like I am being

4C2
1 disruptive.

2 THE COURT: That is where we part company,
3 Mr. Kanarek, because while they have asked some improper
4 questions, and I have tried to be fair to both sides and
5 sustain objections when I felt they were justified,
6 there were scores of objections that were made without any
7 basis whatever. They were frivolous to the Nth degree.

8 MR. KANAREK: Your Honor, I most respectfully dis-
9 agree,

10 I say that these two men are incompetent.
11 The point is this. They have their way sometimes in court
12 as prosecutors, and they believe that they can do no wrong,
13 and as a result they get slovenly in their questions.
14 They don't know how to ask a proper question. They assume
15 facts not in evidence, they ask for conclusions, they
16 solicit hearsay.

17 I represent to this Court that I would welcome
18 going over the transcript word for word.

19 THE COURT: That won't be necessary.

20 The point is that I have this in mind in
21 considering what Mr. Bugliosi is now telling the Court.

22 MR. KANAREK: I understand that.

23 THE COURT: With regard to his desire to reopen and
24 to engage in further direct as well as redirect.

25 MR. BUGLIOSI: It is almost all redirect. Just one
26 or two questions on reopening, your Honor.

THE COURT: Of course, the Court has this discretion

1 under the Evidence Code, and I think if there is any
2 question as to whether or not the ends of justice will be
3 served by doing it, then that discretion should be
4 exercised to permit it.

5 For a number of reasons, I think it should be
6 done.

7 Although, purely as an aside, I often wonder,
8 in the trial of cases, just how much good redirect and
9 recross does. In most cases it is a lost effort.

12d-1

1 MR. BUGLIOSI: I agree with the Court.

2 THE COURT: It often makes a bad situation worse.

3 MR. BUGLIOSI: That is true.

4 MR. SHINN: Is your Honor going to base his ruling
5 on the fact that Mr. Kanarek interposed these objections?

6 On the basis of that are you going to allow
7 them to reopen?

8 THE COURT: I say, that is one of the things I have
9 in mind, where there are continuous interruptions.

10 MR. SHINN: Yes. I understand your position.

11 THE COURT: And where if I think the jury has not
12 fairly had an opportunity to hear and comprehend the
13 continuity of the witness's testimony, then I would be
14 inclined to let the People reopen or have further redirect
15 in order to clarify it.

16 MR. KANAREK: They must be incompetent, your Honor.

17 The fact that an objection is made, if they
18 have a certain point and they ask a certain question,
19 then the Court will allow it.

20 THE COURT: The record only shows partially the manner
21 in which you made the objections, Mr. Kanarek, the instan-
22 taneous -- and I mean instantaneous -- stating of these
23 objections upon the immediate completion of the question.
24 There wasn't a pause, there wasn't a split second between
25 the end of the question and the beginning of a long
26 series of machinegun-like objections in many cases.

12d-2

1 MR. KANAREK: Your Honor, I must --

2 THE COURT: And the same thing with answers. The
3 minute the last word of that answer was in, we had motions
4 to strike.

5 MR. KANAREK: Your Honor, the point is that this
6 witness as I say, I allege has been programmed by the
7 prosecution.

8 THE COURT: You have stated that, so we don't have
9 to go over that again.

10 MR. FITZGERALD: Your Honor, assuming that you allow
11 the prosecution to reopen. There is one area that he
12 mentioned that I think is very dangerous and we ought to
13 discuss it very briefly, and that is this:

14 If he begins to ask Linda Kasabian why she
15 no longer felt Manson was Christ when she saw Mr. Frykowski
16 die, I would anticipate that she is going to say something
17 like this:

18 That I, Linda Kasabian, felt that Charles Manson
19 sent us to the Tate house in order to commit these killings,
20 and when I saw this man, I decided that he wasn't Christ.

21 I would guess that is about what she is going to
22 say. And the evidence so far doesn't support that kind of
23 an opinion, and it would be a rank opinion of the witness.

24 I am not suggesting that a witness can't offer
25 her opinion, except that that is the very issue the jury is
26 here to decide, which is his culpability, and the degree and

1 extent of any conspiracy, if it existed.

2 I think, in regard to that one area, we will
3 have some problems.

4 MR. BUGLIOSI: Assuming arguendo she does testify
5 to that?

6 No. 1, the only evidence so far is that he
7 ordered this activity.

8 You might put on contrary evidence.

9 MR. FITZGERALD: No, I think the evidence is, Mr.
10 Bugliosi, that he told Tex.

11 MR. BUGLIOSI: That doesn't make any difference, you
12 know. Hitler never ordered any particular Jew be executed
13 either. He told Heinrich Himmler. The point is that the
14 second reason that I think it should come in is that it
15 goes --

12e fls.

12B-1

1 THE COURT: Where is the jury now?

2 THE CLERK: In the box.

3 THE COURT: Why don't we let them go out for their
4 recess, and we can continue our discuss in chambers. When
5 they are ready to go back in the courtroom, they can come
6 back.

7 MR. KANAREK: May I loosen my tie?

8 MR. STOVITZ: Can you also excuse the witness for
9 about 15 minutes?

10 THE COURT: Not in the courtroom, Mr. Kanarek. In
11 here, yes.

12 MR. KANAREK: That is what I am asking. In chambers.

13 MR. BUGLIOSI: The second thing is that it is only
14 her state of mind. It only goes to her state of mind, not
15 the ultimate issues in this case. It is not a conclusion
16 that the jury has to buy.

17 The third reason, Paul, is that you, yourself,
18 asked her why she thought he was the Messiah. I can give
19 you the page number on that.

20 Now, I am asking her why she thought he wasn't
21 the Messiah.

22 Volume 49. Again, Mr. Stovitz got into this
23 area, and I would like to read this to the Court, your
24 Honor, because I think when you hear the context, you will
25 see why it is so crucial that I go into this.

26 Mr. Kanarek asked this question: "Having in mind,

2# E2

1 Mrs. Kasabian, you say you left the Spahn Ranch on that
2 night and you went to Pasadena, you say. Now, when you
3 left the Spahn Ranch on the night that you went to Pasadena,
4 did you have in mind, as you left the ranch, what had
5 occurred the previous night?"

6 My apologies, your Honor. I am sorry.

7 "Directing your attention to your conversation
8 that you say you engaged in in the automobile where you said,
9 'Not that house, not that house,' at the time that you
10 uttered those words, you thought that Mr. True was in that
11 house; is that correct?

12 "A Yes.

13 "Q And you did not quarrel about
14 anything happening in the house next door; is that correct?

15 "A No.

16 "Q You had no quarrel with that?

17 "A No."

18 I think there is an unmistakable inference --
19 and I observed every juror take pencil in hand at this
20 point -- there was only one inference that they could draw
21 from that: that she couldn't care less whether the people
22 next door were killed, as long as Mr. True was not killed.

23 That is exactly the inference that he wanted.
24 I am not criticizing Mr. Kanarek for it, but that is the
25 inference he wanted to bring out. And that is the
26 inference I think they drew.

1 I would like to ask her what she meant by that,
2 when she says, "No."

3 She tells me that she did not talk to
4 Manson about the people next door, only about True's place.

5 Furthermore, it goes to the issue of whether
6 she was an accomplice, whether she cares about the people
7 that were killed.

8 I would like to go into that area, your Honor.

9 The way it stands, she didn't care whether
10 the people next door were killed as long as Harold True
11 wasn't killed.

12 I don't think that is her state of mind and I
13 would like an opportunity to clear that up.

14 Then I would like to get into this area of the
15 leather thongs.

16 She told me that some time later, on the beach,
17 she noticed that he no longer had the thongs on his neck.

18 Then I would like to ask her what her opinion
19 of Tex Watson was, an opinion of what type of an individual
20 she thinks he is. Again, going to who was the boss out at
21 Spahn Ranch.

22 Under Section 356 of the Evidence Code, when
23 part of a conversation comes in, a little more of it can
24 come in -- in fact, the whole conversation can come in.

25 I would like to have her testify as to what her
26 first remark was to Mr. Breckenridge when they sat down in

1 that restaurant in Albuquerque.

2 They are the ones that went into this area.

3 I would like to ask her about the time when she
4 heard that she was wanted --

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1 THE COURT: I see Mr. Kanarek motioning for a glass
2 of water.

3 MR. KANAREK: Yes. May I?

4 THE COURT: Yes.

5 MR. BUGLIOSI: Whether she ran away or attempted to
6 run away, or did she tell her mother not to call the
7 police?

8 Again, this area is kind of a hodge-podge,
9 and I just have a couple of questions in that area.

10 Then I would like to go into the area -- this
11 is reopening direct, but I think it is extremely important,
12 your Honor; in my opinion, it constitutes legal corroborations
13 of an accomplice -- and that is Manson making motions
14 to her in court, one of which is the slitting of the throat
15 motion, another one is a finger like this (indicating),
16 and the other one is the zipping of the lips.

17 There is a case on that which Mr. Stovitz got.
18 It is People vs. Mullen. I think the Court wanted
19 authority on this. 115 Cal. App. 2d.

20 Also People vs. Parella.

21 Oh, pardon me. 340.

22 MR. STOVITZ: What page?

23 MR. BUGLIOSI: 340.

24 I would like to go into what the motions were,
25 your Honor. I think it goes to the weight.

26 We do intend to offer other witnesses that will

12f-2

1 testify that they observed Manson making motions to Linda.

2 MR. STOVITZ: At the end of the trial -- not at the
3 end, but at the conclusion of the People's case, we intend
4 to offer these other witnesses to testify to these actions.

5 However, if Linda did not see them and respond
6 to them, they wouldn't be as relevant and probative as
7 if Manson was looking at Linda and making the motions.

8 MR. BUGLIOSI: I would have to lay a foundation that
9 she was looking at him, and if it appeared that he was looking
10 at her.

11 If I can't lay that foundation, it couldn't
12 have too much relevance.

13 MR. KANAREK: Then, your Honor, I make a motion for
14 a mistrial.

15 If Mr. Bugliosi wants to start the case all
16 over again, it appears to me, your Honor, that a mistrial--

17 MR. BUGLIOSI: Not quite.

18 MR. SHINN: Are you finished, Mr. Bugliosi?

19 MR. BUGLIOSI: Just a couple of other points.

20 THE COURT: What are you talking about here in the
21 Mullen case? Where it says "Relating to the third assign-
22 ment of error, that relates to evidence" --

23 MR. BUGLIOSI: Right here, your Honor.

24 THE COURT: The sentence reads: "But no objection
25 was made on the ground of misconduct, but only to relevancy,
26 and the appellant's signalling a prospective witness by

12f-3

placing his fingers to his lips was relevant."

MR. BUGLIOSI: I think it is highly relevant, your Honor. As far as how weighty it is, well, the defense can argue it doesn't mean anything, and the prosecution can argue that it means a lot. But I think conduct like this in court -- so many people have seen this, but I can't argue that to the jury unless we put on evidence of it -- even if the jury saw it, I don't think I can argue it -- I can't say, "I don't know if any of you people saw Mr. Manson do this" I have got to put on evidence.

12g fls.

12g-1

1 MR. SHINN: Your Honor, if Mr. Bugliosi is finished?

2 I think that Mr. Bugliosi is going into a
3 wide area. I think the Court should cut down the area
4 into which he can go on his redirect and direct.

5 Like Mr. Kanarek said, he is going into his
6 direct over again.

7 MR. BUGLIOSI: This is reopening direct, but almost
8 all the other things are redirect, explaining things on
9 cross.

10 MR. SHINN: You had your direct and redirect.

11 Where are we going to stop? You are going to
12 ask on redirect, then we are going to ask on recross, then
13 you are going to ask on redirect. There has to be a limit.

14 I think you should narrow down the redirect,
15 your Honor.

16 MR. KANAREK: My motion for a mistrial is based upon
17 the fact that Mr. Manson is being denied due process by
18 the lack of an orderly procedure on behalf of Mr. Bugliosi
19 and Mr. Stovitz.

20 THE COURT: You are in a particularly ^{poor} position to
21 talk about disorderly procedure.

22 If anything has not been evidenced by your
23 conduct at counsel table with respect to your objections
24 and motions, it is orderly procedure.

25 MR. KANAREK: Your Honor, that is why I say, I
26 don't want to belabor it, but I would welcome going into

1 each and every one.

2 As counsel enunciates the question, I try to
3 think in terms of my knowledge or what I believe to be my
4 knowledge of the law of evidence, and I believe there is
5 a legal basis for each and every one of those objections.

6 They are not done just for the sake of objecting,
7 your Honor.

8 These people do not know how to frame questions,
9 your Honor. They are incompetent.

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MR. FITZGERALD: As I have said before, I think the whole thing is sort of a tempest in a teapot, because I think if they are not allowed to do it on redirect, they will just wait one witness and then call her right back and open up their direct.

THE COURT: My own inclination is to give both sides wide latitude in their examination, particularly in a murder case, and particularly in this case where there are complications.

It is not difficult for either side to overlook something and to seek the Court's assistance in going into the matter again. I am sympathetic to any lawyer in a case who found he had inadvertently not gone into something, or on reading the transcript he discovered that an answer or a question was not exactly what he had thought about it at the time. It can happen to anybody. It does happen to everybody from time to time.

On the other hand, there has to be an end to it.

MR. KANAREK: Right.

MR. BUGLIOSI: I have very little left.

THE COURT: And within those perimeters, the Court has to make a decision.

MR. BUGLIOSI: I would like to ask her when she first met Joan Didion, and when she first spoke to her about writing the book.

1 The significance of that, I think, is that
2 it was one of Mr. Fitzgerald's major points on cross-
3 examination -- I'm sure he brought it up -- that she was
4 testifying because she had this pecuniary interest in
5 the book, and her testimony on the stand just furthered
6 that interest.

7 Mrs. Kasabian tells me that the first time that
8 she met Mrs. Didon was the first part of June of this year.

9 Well, by that time she had already spoken to
10 Mr. Stovitz and me several times.

11 This would tend to negate the argument that
12 I imagine he will make that she is just furthering her
13 financial interest.

14 She had already come over to the prosecution
15 far before she spoke to Mrs. Didion.

16 Then Mr. Kanarek, of course, in many fashions,
17 has slandered me, and I would like to ask Mrs. Kasabian
18 again if I told her, at any time, how to answer any of
19 my questions, because he has implied that time and time
20 again to the jury, and I think I should have an opportunity
21 to ask one or two questions there.

22 I admit that this is rather long, your Honor,
23 but I think every point that I have mentioned in here has
24 some basis, either legal authority, or it is proper
25 redirect. They were either issues raised by the defense,
12 j fls. 26 or there is some point in the transcript not clear.

1 THE COURT: Well, I would make this observation:
2 That at this stage of the examination, I think that the
3 prosecution has to be particularly careful, be particularly
4 watchful, that the questions are tightly formulated, that
5 they are not leading.

6 It is one thing to orient a witness to a
7 particular subject matter for the purpose of eliciting
8 an answer in regard to a conversation, for example. It
9 is another thing to give, at least implicitly, or explicitly,
10 an answer.

11 There has now been sufficient examination of
12 this witness that --

13 MR. BUGLIOSI: I will be very careful, your Honor.

14 THE COURT: -- she should be able to answer the
15 questions without being led in any way.

16 MR. BUGLIOSI: Yes. But let me give you this example.

17 Some things are pretty well established. At
18 least her testimony is pretty well established, for
19 instance, that she ran down to the bottom of the hill at
20 the Tate residence.

21 Now, I would like to lead her and say: You
22 say that after you ran down to the bottom of the hill
23 you lied on the ground and you thought. You thought about
24 calling the police.

25 Now that is leading her, your Honor, but I
26 don't think that is an issue here. That is her testimony.

1 THE COURT: That isn't leading. You haven't gotten
2 to the question yet.

3 MR. BUGLIOSI: Right.

4 My question is: Why didn't you call the police?
5 But I am just leading her to that point.

6 If the Court doesn't permit that, then I have
7 got to take her back to the Tate residence.

8 THE COURT: I don't consider that to be leading.

9 MR. BUGLIOSI: Right.

10 MR. KANAREK: It is leading in this sense. This
11 woman, so far --

12 THE COURT: We don't need an argument on that, Mr.
13 Kanarek.

14 MR. KANAREK: I do have a couple of points.

15 It is irrelevant and immaterial whether Gypay
16 and Sandy went with her when she went to steal this
17 five thousand dollars.

18 I have some points here, your Honor, that I
19 have noted as Mr. Bugliosi has gone on and on.

20 The point is that Gypsy and Sandy are not
21 defendants in this case. It has no relevancy, no
22 materiality.

23 Again, Mr. Bugliosi is trying to do what the
24 District Attorney's Office has done from the inception of
25 this case, create this conspiracy in the minds of everybody
26 by saying "Family."

1 Well, Gypsy and Sandy didn't have anything to
2 do with Mr. Manson whatsoever. It is irrelevant and
3 immaterial. They are not defendants. They are not before
4 the Court. They aren't part of any conspiracy. The District
5 Attorney hasn't alleged them to be part of any conspiracy.

6 Because Mr. Bugliosi is attempting to do a
7 certain thing, wants a certain result here, because something
8 is very important to him; for instance, he argues to the
9 Court, "It is very important," but it is only important
10 because you want a conviction at any price.

11 THE COURT: That it is important is not my concern.
12 That is the concern of an advocate, not a judge.

12k fls.

12k-1

1 MR. KANAREK: Well, when he says Gypsy and Sandy
2 went with her, there is no relevance, no materiality to
3 that.

4 MR. BUGLIOSI: Here is the relevance. It is clear
5 in the transcript that she took the five thousand dollars
6 on the second day. So, obviously, when she went to Spahn
7 Ranch, it had nothing to do with the five thousand dollars.
8 It was taken on the second day.

9 Their only reason for bringing it in was to
10 show that she was a thief, which they succeeded in doing.
11 They brought it in to show she stole the five thousand
12 dollars. They certainly didn't bring it in to show that
13 this is the reason she went to Spahn Ranch.

14 MR. KANAREK: For a professor of criminal law,
15 counsel shows either complete naievete or else he is
16 misrepresenting to the Court.

17 MR. STOVITZ: No one is as perfect as you are, Mr.
18 Kanarek.

19 MR. KANAREK: The point is not that she is a thief
20 per se but to show her motive and intent for going to the
21 Spahn Ranch, not that she took the money because we want
22 to damn her character as a thief. She went to Spahn
23 Ranch to hide out.

24 This woman has had indiscriminate intercourse
25 all over the United States of America. The fact that she
26 had intercourse with Tex Watson on the day before doesn't

1 mean that is the day she started at the Spahn Ranch.

2 THE COURT: What does intercourse have to do with
3 what we are talking about?

4 MR. BUGLIOSI: What is that?

5 THE COURT: What does intercourse have to do with
6 what we are talking about here?

7 MR. KANAREK: This was the second day. Because some-
8 one goes to an area doesn't mean they are going to live
9 there and stay there.

10 The point is that/^{it}is offered on the motive and
11 intent.

12 She actually came to Spahn Ranch, your Honor,
13 to hide out from her husband because she stole five thousand
14 dollars.

15 THE COURT: Since you were successful in getting the
16 evidence in about the five thousand dollars, and it was
17 received, of course, under the limited admissibility rule
18 on the state of mind of this woman and her relationship
19 with Mr. Manson, that is the only reason it came in,
20 certainly it didn't come in to show that she stole
21 five thousand dollars, but since you were able to get
22 it in, what is the objection to show some of the circum-
23 stances surrounding the way it happened?

24 MR. KANAREK: Your Honor, it has no relevancy.

25 Whether she went with a yellow Cab driver or
26 with Gypsy and Sandy is immaterial. Except if he is going

1 to try to show that Gypsy and Sandy somehow are part of
2 this conspiracy. And that is what he is trying to do.

3 He has a jury of lay people there, and he
4 knows what he is doing. It is diabolical. It is denying
5 Mr. Manson a fair trial.

6 THE COURT: You can't get a piece of evidence in
7 and then isolate it from all surrounding facts so that it
8 would be misleading or incomplete.

9 MR. KANAREK: But Gypsy and Sandy, your Honor, have
10 nothing to do with this case. They are not alleged to
11 be part of the --

12 THE COURT: That may be.

13 MR. KANAREK: It would be different, your Honor, if
14 she went there with Sadie.

15 THE COURT: I am tired of hearing the argument,
16 now, gentlemen. We are going over and over and over again
17 the same ground.

18 I will have to rule on the questions as they
19 come in, as they are framed.

20 MR. BUGLIOSI: Thank you, your Honor.
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13 fls.

1 MR. STOVITZ: May I address a question to the
2 court reporter, we asked you about whether it was nights
3 or notes on Page 7523 of the transcript, Line 21.

4 THE REPORTER: It should have been nights.

5 MR. STOVITZ: And on Page 7542, Line 8 of the
6 transcript was it whether or wear?

7 THE REPORTER: It should have been wear.

8 THE COURT: All right, gentlemen, are we ready to
9 go back?

10 MR. BUGLIOSI: Yes, your Honor.

11 MR. FITZGERALD: Yes, your Honor.

12 MR. KANAREK: Yes, your Honor.

13 MR. HUGHES: Yes, your Honor.

14 MR. SHINN: Yes, your Honor.

15 THE COURT: Where is the jury?

16 THE CLERK: I will see if they returned.

17 (The following proceedings were had in open
18 court in the presence of the jury, all defendants and all
19 counsel being present:)

20 THE COURT: All parties and counsel and jurors are
21 present.

22 MR. KANAREK: Before this begins may we approach the
23 bench so I may have a ruling.

24 THE COURT: We just spent an hour in chambers,
25 Mr. Kanarek. If you had something^{to} take up that was the
26 place to do it.

You may proceed, Mr. Bugliosi.

3- 2

1 MR. BUGLIOSI: Yes. I don't know where Mrs. Kasabian
2 is, your Honor, I imagine she is being brought down.

3 THE COURT: All right, while we are waiting for the
4 witness I will see counsel at the bench.

5 (The following proceedings were had at the
6 bench out of the hearing of the jury:)

7 MR. KANAREK: I didn't have a ruling on my motion
8 for a mistrial.

9 It is my position on behalf of Mr. Manson that
10 Mr. Bugliosi had ample opportunity to go into all of the
11 matters that he alluded to, and it is an abuse of dis-
12 cretion for the Court to allow him to interrogate on the
13 matters requested.

14 It denies Mr. Manson a fair trial, and we ask
15 for a mistrial.

16 THE COURT: The motion is denied.

17 (The following proceedings were had in open
18 court in the presence and hearing of the jury:)

19 MR. BUGLIOSI: May I proceed, your Honor?

20 THE COURT: You may.

21 LINDA KASABIAN,
22 the witness on the stand at the time of the recess, resumed
23 the stand and testified further as follows:
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REDIRECT EXAMINATION (REOPENED)

1 BY MR. BUGLIOSI:

2 Q Linda, several times in your testimony you
3 referred to the group of people you lived with out at
4 Spahn Ranch as "the Family."

5 When is the first time, if at all, that you
6 heard any member of that group refer to themselves as "the
7 Family"?

8 A Yeah, when I met Gypsy the first day.

9 Q What did she say?

10 A She told me --

11 MR. KANAREK: Your Honor, I object on the grounds of
12 hearsay and also a conclusion.

13 Gypsy is not a party to this lawsuit.

14 MR. FITZGERALD: Join in the hearsay objection.

15 MR. HUGHES: Join in the hearsay.

16 MR. SHINN: Join in the hearsay.

17 THE COURT: Read the answer, please.

18 (Whereupon, the reporter reads the previous
19 two questions and the answers as far as they went as follows:

20 "Q Linda, several times in your
21 testimony you referred to the group of people
22 you lived with out at Spahn Ranch as "the
23 Family."

24 "When is the first time, if at all, that
25 you heard any member of that group refer to
26

4
1 "themselves as 'the family'?

2 "A Yeah, when I met Gypsy the
3 first day.

4 "Q What did she say?

5 "A She told me --")

6 THE COURT: Sustained.

7 MR. BUGLIOSI: I offer this under Section 356 of the
8 Evidence Code. The conversation was --

9 MR. KANAREK: May we approach the bench if he is
10 going to argue?

11 THE COURT: He is stating the grounds.

12 MR. BUGLIOSI: The conversation she had with Gypsy
13 was gone into not only on direct but on cross-examination.

14 This is just a further part of that conver-
15 sation.

16 Furthermore, your Honor, we are not offering
17 it for the truth of the matter asserted, but it is part of
18 that first conversation, and I think under Section 356 of
19 the New Evidence Code, when a part of a conversation comes
20 in, I believe the entire conversation comes in.

21 MR. KANAREK: I don't wish to make argument in the
22 presence of the jury, but I would welcome making argument
23 on this point.

24 THE COURT: That won't be necessary, Mr. Kanarek.
25 Mr. Bugliosi is correct.

26 This is a portion of a conversation that has

1 previously been testified to. I will vacate the previous
2 ruling.

3 The objection is overruled. You may answer
4 the question.

5 THE WITNESS: What was your question?

6 Q BY MR. BUGLIOSI: What did Gypsy tell you with
7 respect to the Family?

8 A They are a group of people that lived together,
9 and they were living together like a family, and that I
10 would be accepted.

11 Q You testified earlier, Linda, that on July 4th
12 when you first spoke to Gypsy she told you that there
13 was a, quote, beautiful man that we all had been waiting for,
14 unquote.

15 Did Gypsy tell you who this beautiful man was?

16 MR. KANAREK: Object, your Honor, on the ground it is
17 a clear solicitation of hearsay and a conclusion.

18 THE COURT: Overruled.

19 THE WITNESS: Yes, she told me his name is Charlie,
20 and a group of other people.

21 Q BY MR. BUGLIOSI: Referring to Gypsy again,
22 Linda, you testified she was present during a mescaline
23 trip you took at Spahn Ranch.

24 What trip was that?

25 A The one and only trip I took there.

26 Q Was that the one with Sadie?

13-6

1 A Yes.

2 Q Gypsy was present?

3 A Yes.

4 Q When you left your husband on July 4th, 1969,
5 with Gypsy for Spahn Ranch, had you stolen the \$5,000 at
6 that point?

7 A No.

8 Q Did you intend to steal the \$5,000 at that
9 point?

10 A No.

11 MR. KANAREK: Your Honor, may that answer be stricken
12 -- may the witness be asked not to respond so automatically,
13 Your Honor?

14 THE COURT: All right, delay your answer, Mrs. Kasabian,
15 and give counsel an opportunity to make their objections.

16 Do you have an objection, Mr. Kanarek?

17 MR. KANAREK: Yes, your Honor, it is calling for a
18 conclusion on the part of this witness.

19 THE COURT: Overruled.

20 You may answer.

21 Q BY MR. BUGLIOSI: Did you intend to take the
22 \$5,000 on the date that you went to the Spahn Ranch with
23 Gypsy on July 4th?

24 A No.

25 Q When did you take it, the following day?

26 A Yes.

3-7
1 Q You left Spahn Ranch and returned to the truck
2 where you had lived with your husband and Charles Melton
3 and took the 5,000?

4 A Yes.

5 MR. KANAREK: Leading and suggestive, your Honor.

6 THE COURT: Well, it was, Mr. Bugliosi.

7 Q BY MR. BUGLIOSI: When did you take the \$5,000?

8 A The next day.

9 Q July 5th, 1969?

10 A Yes.

11 Q How did you get to the place where you took the
12 5,000?

13 A In a car.

14 Q You left the Spahn Ranch?

15 A Yes.

16 Q And you went to the truck?

17 A Right.

18 Q When you took this \$5,000 were you accompanied
19 by anyone?

20 A Yes.

21 Q Who were you accompanied by?

22 A Mary and Gypsy.
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13A-1

1 Q When you say "Mary," you mean Mary Brunner?

2 A Yes.

3 Q And Gypsy?

4 A Right.

5 Q Did they leave Spahn Ranch with you that day?

6 A Yes.

7 Q For the truck?

8 A Uh-huh.

9 Q I show you Volume 53, Page 7329.

10 Directing your attention, Linda, to Volume 53,
11 Page 7329, specifically Line 20 through Line 22, would you
12 read those three lines to yourself.

13 MR. KANAREK: May I have a moment in order to get the
14 transcript that counsel is alluding to or may I approach the
15 witness to save time?

16 THE COURT: Yes.

17 MR. KANAREK: What lines were those?

18 MR. STOVITZ: 20 through 22, Counsel.

19 Q BY MR. BUGLIOSI: Have you read those three
20 lines to yourself, Linda?

21 A Yes.

22 Q To this question did you give this answer:
23 By Mr. Hughes on cross-examination.

24 "Q Actually what took place at
25 this orgy primarily was a lot of hugging
26 and kissing; isn't that true?

13A2

"A Right."

Did you give that answer to that question?

A Yes, I did.

Q And in addition to hugging and kissing at that orgy did any other type of sexual activity take place?

MR. KANAREK: Asked and answered, your Honor, on direct examination previously.

THE COURT: Overruled.

THE WITNESS: What was your question again?

Q BY MR. BUGLIOSI: In addition to the hugging and kissing that took place at the orgy did any other type of sexual activity take place?

A Yes.

MR. KANAREK: Also, your Honor, on the basis it is not relevant and not material.

THE COURT: Overruled.

THE WITNESS: Yes.

Q BY MR. BUGLIOSI: What other type of sexual activity took place?

A The actual entering in of the man into the woman.

Q You are talking about sexual intercourse?

A Yes.

Q You had sexual intercourse with Tex and Clem?

A No intercourse with Tex, with Clem. I did, yes.

Q But you did have some type of sexual activity with

13A3

1 Clem also?

2 A Yes.

3 Q Directing your attention to Volume 36, Page
4 5600, and specifically Lines 8 through 14, would you read
5 those lines to yourself.

6 (Witness complies.)

7 Q 8 through 14, have you read those lines to
8 yourself?

9 A Yes.

10 Q To these questions did you give these answers?

11 MR. KANAREK: Your Honor, may I object on the grounds
12 counsel is reading the question to the witness, and then
13 allowing her to editorialize on it, and on the basis that
14 that is improper.

15 THE COURT: What do you mean, "editorialize"?

16 MR. KANAREK: He is asking questions of her and he
17 doesn't like what she said previously and he is just asking
18 her to re-answer the questions. I think that is improper.

19 THE COURT: Overruled.

20 MR. BUGLIOSI: (Reading)

21 "Q BY MR. FITZGERALD: Did you
22 disagree with his -- Charles Manson's --
23 philosophy in some respects?

24 "A Yes, I did.

25 "Q And you told him that you
26 disagreed with it when he told you?

13A4

1 "A No. Because I was always
2 told, 'Never ask why.'"

3 Did you give those answers to those questions?

4 MR. KANAREK: I object, your Honor, counsel has not
5 read verbatim from the record, he has interlineated his
6 own words in at least one place.

7 THE COURT: What is the claimed error?

8 MR. KANAREK: He put in the name of Mr. Manson, that
9 is not in the record.

10 MR. BUGLIOSI: On Page 5599 they are talking about
11 Charles Manson, they are not talking about Joe Shmalzburger.

12 MR. STOVITZ: How do you spell Shmalzburger?

13 THE COURT: All right, gentlemen.

14 MR. KANAREK: I object, your Honor, on the grounds
15 of the form of the question.

16 If he is going to read this transcript, your
17 Honor, he has to read it verbatim.

18 THE COURT: That is absolutely correct. The objection
19 will be sustained.

20 Q BY MR. BUGLIOSI: Did you give those answers
21 to those questions, Linda?

22 MR. KANAREK: I object to the form of that, your
23 Honor. If he is trying to impeach the record --

24 THE COURT: All right, Mr. Kanarek, you made your
25 objection and I have sustained it.

26 MR. BUGLIOSI: I would have to go back a little

13A5
1 further, then.

2 Q Linda, directing your attention --

3 MR. KANAREK: Before approaching the witness, your
4 Honor, our rules provide he must ask the Court for
5 permission to approach the witness.

6 If he cannot perform, your Honor, as a lawyer
7 properly, I ask your Honor for the relief of this man --
8 may we approach the bench?

9 Q BY MR. BUGLIOSI: Directing your attention to
10 Volume 36, Page 5559, read lines 23 through 26 to yourself
11 to the bottom of the page, Lines 23 through 26.

12 (Witness complies.)

13 Now, will you read Lines 1 through 14 on
14 Page 5600.

15 A 1 through 14?

16 Q 1 through 14 on page 5600.

17 (Witness complies.)

18 Have you read those lines to yourself?

19 A Yes.

20 Q Did you give these answers to these questions?

21 A Yes, I did.

22 MR. KANAREK: I object, your Honor, that is an
23 improper question.

24 If he is trying to impeach the record then what
25 he must do is call the reporter. It is not a question --

26 THE COURT: Overruled.

JA6

1 MR. BUGLIOSI: (Reading)

2 "Q BY MR. FITZGERALD: And did
3 Charlie speak with you at length about his
4 philosophies?

5 "A I guess so. I can't even remember
6 half the things he told me. They just never
7 seemed to take root.

8 "Q So what you told the Court and
9 the jury on your direct examination about his
10 philosophies was an incomplete statement of
11 what he told you inasmuch as you can't remember
12 some of what he told you?

13 "A Well, a lot of it I have forgotten,
14 you know. I just sort of let go of it because
15 I knew that it was not true.

16 "Q Did you disagree with his philosophy
17 in some respects?

18 "A Yes, I did.

19 "Q And you told him that you
20 disagreed with it when he told you?

21 "A No. Because I was always told,
22 'Never ask why.'

23 Did you give those answers to those questions?

24 A Yes.

25 MR. KANAREK: I object to the form of the
26 question.

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THE COURT: Overruled.

THE WITNESS: Yes, I did.

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1 Q BY MR. BUGLIOSI: Did Charles Manson ever,
2 himself, tell you never ask why?

3 MR. KANAREK: I object, your Honor, leading and
4 suggestive.

5 THE COURT: Overruled.

6 THE WITNESS: Yes, he used to say, "Never ask why,"
7 and would add, "Love will never die."

8 MR. FITZGERALD: I didn't hear the last part of that.
9 May that be read?

10 THE COURT: Read the answer.

11 (Whereupon, the reporter reads the answer as
12 follows:

13 "THE WITNESS: Yes, he used to say,
14 'Never ask why,' and would add, 'Love will
15 never die.'")

16 Q BY MR. BUGLIOSI: Linda, did the group which
17 you have referred to as "the family," did you used to eat
18 together at night?

19 A Yes.

20 Q Did you call that suppertime or dinner?

21 A Supper, dinner, whatever.

22 Q You were talking about the evening meal?

23 A Yes.

24 Q And where would you normally have your supper?

25 A If we were staying at the ranch it would be in
26 the saloon, or if we were staying in the woods it would be

1 around the campfire, and we ate in the back house quite a
2 bit.

3 Q Would the Family normally eat all together?

4 A Yes.

5 MR. KANAREK: I object on the grounds it is leading
6 and suggestive.

7 THE COURT: Overruled.

8 THE WITNESS: Yes.

9 Q BY MR. BUGLIOSI: At suppertime did Charles
10 Manson ever discuss his philosophies to the group?

11 MR. KANAREK: Irrelevant, your Honor, immaterial.

12 THE COURT: Overruled.

13 THE WITNESS: Yes.

14 Q BY MR. BUGLIOSI: Would he discuss his
15 philosophies at every supper?

16 A Maybe not every supper. Most of the time.

17 Q This was almost every night, then?

18 A Yes.

19 Q What were some of the philosophies he discussed?

20 MR. KANAREK: Irrelevant, your Honor, immaterial,
21 hearsay and a conclusion.

22 THE COURT: Overruled.

23 THE WITNESS: He talked about the ego and the soul.

24 Q BY MR. BUGLIOSI: What did he say about the ego
25 and what did he say about the soul?

26 MR. KANAREK: Irrelevant, immaterial, your Honor,

1 hearsay and a conclusion.

2 THE COURT: Overruled.

3 THE WITNESS: That the ego should die and that --
4 what did he used to say about the soul --

5 The soul never knows the word "no," or "don't."

6 I don't know, I cannot think of anything right
7 now.

8 Q Did he ever say anything about helter skelter
9 at these supper discussions?

10 MR. KANAREK: I object, your Honor, it is
11 leading and suggestive, calling for a conclusion and
12 hearsay.

13 THE COURT: Overruled.

14 THE WITNESS: Helter skelter was an every day word,

15 Q BY MR. BUGLIOSI: Did he discuss what helter
16 skelter meant at these supper discussions?

17 MR. KANAREK: I object, irrelevant, immaterial, a
18 conclusion and hearsay.

19 THE COURT: Overruled.

20 THE WITNESS: It meant a lot of things; it meant
21 revolution; it meant not being together within yourself
22 or not being together as a group, you know, being scattered.

23 Q Do you remember all of the philosophies he
24 discussed over supper?

25 A No.

26 Q Were there many others that he discussed
which you cannot recall at the present time?

1 A Yeah, a lot of them I just, you know, just like
2 I let go of them.

3 Q Now, at these discussions at suppertime would
4 only Charlie talk?

5 Let me ask you this, who would do most of the
6 talking?

7 MR. KANAREK: Calling for a conclusion, your Honor.

8 MR. BUGLIOSI: She was there, your Honor, a
9 percipient witness.

10 THE COURT: overruled.

11 THE WITNESS: Charlie would.

12 Q BY MR. BUGLIOSI: Charlie would do all of the
13 talking?

14 A Not all the talking, you know, everything was
15 directed at him. If somebody said something, you know, he
16 was the center.

17 Q Did he do most of the talking?

18 A Yeah.

19 Q Would Tex Watson be present at these supper
20 discussions?

21 A Yeah, usually everybody was together at supper.

22 Q Did Charles Manson ever say anything, Linda,
23 about Jesus Christ in relation to the devil?

24 MR. KANAREK: Calling for a conclusion, your Honor,
25 hearsay, immaterial and irrelevant.

26 THE COURT: overruled.

1 THE WITNESS: Once he said that Jesus Christ and the
2 devil were in one body, something like that.

3 MR. KANAREK: Your Honor, may we approach the bench
4 on that?

5 THE COURT: Do you have a motion to make?

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: State it.

8 MR. KANAREK: Your Honor wishes me to state --

9 THE COURT: State the motion.

10 MR. KANAREK: Well, I would like to do it at the
11 bench, if I may.

12 THE COURT: Is this the same motion you made the
13 last time?

14 MR. KANAREK: No, your Honor.

15 THE COURT: Very well, you may approach the bench.
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(The following proceedings were had at the bench out of the hearing of the jury:)

THE COURT: What is it?

MR. KANAREK: Your Honor, I make a motion that your Honor strike the last question and answer and admonish the jury not to consider it for any purpose.

THE COURT: Why couldn't you make that from counsel table?

You have been making them all through the trial.

MR. KANAREK: I know, but this one is particularly significant in that probably many of these people on the jury are Christians; they are undoubtedly God fearing people, and for counsel to solicit that kind of a question prejudices Mr. Manson beyond belief, with these people who may be of the Christian faith.

THE COURT: Mr. Kanarek, defense counsel have spent literally days examining this witness on various aspects of her philosophy, Mr. Manson's philosophy, and so forth.

MR. FITZGERALD: That is correct, and I will join with the District Attorney in proving that evidence.

I think the question was proper and I think the answer was proper.

THE COURT: The motion to strike will be denied.

MR. KANAREK: It is my position --

THE COURT: You are overruled, Mr. Kanarek.

13c-2

(The following proceedings were had in open court in the presence and hearing of the jury:)

BY MR. BUGLIOSI:

Q Linda, you testified on cross-examination, "We all have a part of the devil in us."

What did you mean by that?

A We all have the principle of good and bad within us.

Q Okay, I believe you testified this morning on cross-examination that you thought other people were the devil.

What did you mean by that?

A I had seen, you know, the evil principle, you know, of certain people come out rather than, you know, the pure, the good principle.

Q You said that you had seen the devil in other people, did you mean you had seen what you believed to be Satan?

MR. KANAREK: Leading and suggestive, your Honor?

THE COURT: Sustained.

BY MR. BUGLIOSI:

Q You testified, Linda, on cross-examination by Mr. Kanarek, and also by Mr. Hughes, that you stopped believing that Charles Manson was Jesus Christ when you saw Mr. Frykowski covered with blood.

Do you recall testifying to that?

13c-3

1 A Yes.

2 Q Now, why did the sight of Mr. Frykowski being
3 covered with blood cause you to stop believing that Manson,
4 Charles Manson, was Jesus Christ?

5 MR. KANAREK: I object to that as assuming a fact not
6 in evidence.

7 She testified, your Honor, that she stopped
8 when she looked into his eyes.

9 THE COURT: Sustained.

10 BY MR. BUGLIOSI:

11 Q Why did the sight of Mr. Frykowski when you
12 looked into his eyes, Linda, cause you to stop stop believing
13 that Charles Manson was Jesus Christ?

14 A It was like the reality of what was happening
15 there all of a sudden hit me.

16 It was coming from this man that I saw at the
17 post, and at the same instance a vision came into my head
18 and I saw who Charlie was and what he was doing and what
19 I was doing here.

20 Q When was the first time, Linda, that you believed
21 that Charles Manson was Jesus Christ?

22 A The first time?

23 Q Yes.

24 A Well, the very first time I saw him he was
25 dressed in buckskins, and long hair, and beard and he just
26 looked so beautiful that I think up in the cave is when I

13c-4

1 really started to believe it.

2 Q Now, between that time, the time in the cave
3 and the time you looked at Mr. Frykowski did you have any
4 doubts that Charles Manson was Jesus Christ?

5 MR. KANAREK: May I have that read back, your Honor?

6 THE COURT: Read the question.

7 (Whereupon the reporter reads the question
8 as follows:

9 "Q Now, between that time, the time in
10 the cave and the time you looked at Mr. Frykowski
11 did you have any doubts that Charles Manson was
12 Jesus Christ?"

13 MR. KANAREK: Your Honor, I object to that on the
14 grounds it is calling for a conclusion on the part of this
15 witness; it is ambiguous in the context of these proceedings.

16 THE COURT: Do you understand the question?

17 THE WITNESS: Yes.

18 THE COURT: Overruled, you may answer.

19 THE WITNESS: Well, a couple of times I saw him beat
20 up the girls -- not girls -- I only saw him beat up two
21 girls.

22 BY MR. BUGLIOSI:

23 Q What girls did you see?

24 MR. KANAREK: Then, your Honor, may we approach the
25 bench?

26 THE COURT: For what purpose?

13c-5

1 MR. KANAREK: To make a motion, your Honor.

2 THE COURT: Make your motion.

3 MR. KANAREK: Pardon?

4 THE COURT: Make your motion.

5 MR. KANAREK: Very well, your Honor, your Honor, I
6 make a motion that this interrogation, this statement
7 about the purported beatings of these girls is offered
8 for prejudicial purposes only. It has no probative value.

9 THE COURT: Are you moving to strike it?

10 MR. KANAREK: I am moving to strike it.

11 THE COURT: The motion is granted. It is not responsive.

12 The jury is admonished to disregard it.

13 BY MR. BUGLIOSI:

14 Q Linda, let's go back to that question. I
15 think you can answer it yes or no.

16 The question is this:

17 Linda, between the time in the cave when you
18 first believed that Manson was Jesus Christ, between that
19 time and the time at the Tate residence when you looked
20 into Mr. Frykowski's eyes, did you have any doubt that
21 Charles Manson was Jesus Christ?

22 MR. KANAREK: Leading and suggestive, your Honor.

23 THE COURT: Overruled.

24 THE WITNESS: Yes.

25 BY MR. BUGLIOSI:

26 Q How and when did those doubts arise?

13c-6

1 MR. KANAREK: It is ambiguous, your Honor, and
2 compound, "How and when".

3 THE COURT: Separate them, Mr. Bugliosi, separate
4 the questions.

5 BY MR. BUGLIOSI:

6 Q When did these doubts arise?

7 A When?

13d fls.

13d-1 1

2 Q Yes, in terms of time, how long after the cave
3 incident did you start having doubts that Charles Manson
4 was Jesus Christ?

5 A I don't think I was there too long. I remember
6 we went for a dune buggy ride late at night, so maybe a
7 week after I was there.

8 Q And did these doubts continue during this
9 period of time?

10 MR. KANAREK: Leading and suggestive, your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: No, I found a justification for it.

13 BY MR. BUGLIOSI:

14 Q How did you find a justification for it?

15 A I questioned one of the girls.

16 Q Who was that?

17 A Gypsy.

18 Q What did Gypsy tell you?

19 MR. KANAREK: I object on the grounds of hearsay,
20 your Honor.

21 THE COURT: Sustained.

22 BY MR. BUGLIOSI:

23 Q Directing your attention to Volume 51, page
24 7141, Linda.

25 MR. KANAREK: Your Honor, may I have an opportunity
26 to get that?

MR. STOVITZ: Here you are, Counsel (handing volume

13d-2 1 to Mr. Kanarek).

2 BY MR. BUGLIOSI:

3 Q And specifically lines 10 through 17. Will
4 you read those lines to yourself.

5 MR. KANAREK: What page?

6 MR. STOVITZ: 7141.

7 (Witness complies.)

8 BY MR. BUGLIOSI:

9 Q Have you read those lines to yourself?

10 A Yes.

11 MR. KANAREK: Now, wait, your Honor, are you beginning
12 at line 10?

13 THE COURT: Mr. Kanarek, listen more carefully and
14 don't interrupt the examination.

15 MR. KANAREK: I don't believe he put the question.

16 THE COURT: That's right, but there is nothing to
17 object to.

18 MR. KANAREK: Very well, your Honor.

19 BY MR. BUGLIOSI:

20 Q Did you give this answer to a previous question:

21 "Concerning my little girl, he" --

22 MR. BUGLIOSI: Mr. Kanarek, we are referring to
23 Charles Manson, unless you want me to go back a couple of
24 pages.

25 MR. KANAREK: Your Honor, for my part he doesn't have
26 to proceed at all. He is not asking the proper question,

13d-3

1 your Honor.

2 THE COURT: You are not making a proper objection.

3 MR. KANAREK: I object to the form of the question.

4 BY MR. BUGLIOSI:

5 Q (Reading.)

6 "Concerning my little girl, he told
7 me not to feed her but to give her my attention.

8 "Another time he said to let Bear do
9 it all, that none of us was to feed her; that
10 Bear was the only one to feed her.

11 "And when she cried I was supposed to
12 put my hand over her mouth. All the girls were
13 supposed to suppress her crying."

14 Where you used the word "he," about whom were
15 you referring?

16 A Charlie.

17 Q Charles Manson?

18 A Yes.

19 Q Did you testify that he told you not to feed
20 but that you were supposed to give her your attention?

21 MR. KANAREK: I object, leading and suggestive,
22 immaterial as to what she testified to.

23 THE COURT: Sustained.

24 BY MR. BUGLIOSI:

25 Q Is the record correct, Linda? I read this
26 particular portion "concerning my little girl he told me

1 not to feed her but to give her my attention."

2 Is that correct?

3 MR. KANAREK: I object to that. If there is going to
4 be a voir dire proceeding it should be a truly adversary
5 voir dire proceeding.

6 I object to the form of the question.

7 THE COURT: Sustained.

8 BY MR. BUGLIOSI:

9 Q Did Charles Manson tell you to give your atten-
10 tion to your little girl, Tanya?

11 MR. KANAREK: I object, leading and suggestive.

12 THE COURT: Overruled.

13 THE WITNESS: No, I wasn't supposed to give her my
14 attention.

15 BY MR. BUGLIOSI:

16 Q He told you not to give her your attention, is
17 that correct?

18 A Yes.

19 MR. KANAREK: I object.

20 MR. BUGLIOSI: He is objecting while she is talking.

21 MR. KANAREK: I will be --

22 MR. BUGLIOSI: I will have to ask her the question
23 again then, your Honor.

24 Q Did Charles Manson tell you to give your
25 attention to your daughter Tanya?

26 A No.

1 Q He told you not to?

2 A Right.

3 MR. KANAREK: I object, that is leading and sugges-
4 tive, your Honor, in the context of the last --

5 THE COURT: Overruled, you may answer.

6 THE WITNESS: I already did, "Right."

7 THE COURT: Read the last question and answer.

8 (Whereupon the reporter reads the record as
9 follows:

10 "Q He told you not to?

11 "A Right.")

12 BY MR. BUGLIOSI:

13 Q You testified that you thought you knew when
14 Angel, your baby boy, was conceived. When was that?

15 A I believe it was with my husband around the
16 end of June. As a matter of fact it was the first night we
17 got together.

18 Q The first night you came back from New Hampshire?

19 A Yes.

20 Q This was while you were living in the truck
21 with your husband?

22 A Right.

23 Q You had not yet met Gypsy?

24 A No.

25 Q You had not yet gone to the Spahn Ranch?

26 A No.

13E-1

1 Q BY MR. BUGLIOSI: Volume 37. Directing your
2 attention, Linda, to Volume 37, Page 5682, specifically
3 Lines 17 through 22, will you read those lines to yourself?

4 (Witness complies.)

5 MR. KANAREK: Your Honor, may I approach the witness.
6 That volume is not handy for me.

7 THE COURT: Wait until the witness reads it first,
8 Mr. Kanarek.

9 MR. KANAREK: Certainly, your Honor.

10 Q BY MR. BUGLIOSI: Have you read those lines
11 to yourself?

12 A Yes.

13 MR. KANAREK: May I read them, Mr. Bugliosi?

14 (Mr. Bugliosi hands the volume to Mr. Kanarek.)

15 Q BY MR. BUGLIOSI: To this question did you give
16 this answer:

17 "Q BY MR. FITZGERALD: When you got
18 to the Tate residence what happened?

19 "A I got out of the car and I
20 remember some dogs came up and I turned
21 around and I started crying and I remember
22 saying, 'Why weren't the dogs here'.

23 "I had to cry for a while."

24 What did you mean when you said, "Why weren't
25 the dogs here?"

26 A Well, the dogs weren't there the first night.

Q -You mean the night you went there with Tex?

1 A Right.

2 Q And Sadie and Katie?

3 A Right, and when I went there with you the dogs
4 were there and I just, you know, said to myself, "Why
5 weren't the dogs there?"

6 Q What do you mean by that?

7 A Maybe if the dogs were there it would not have
8 happened, I don't know.

9 MR. KANAREK: Your Honor, I ask that be stricken,
10 this conjecture on the part of the witness that if the dogs
11 were there maybe it would not have happened.

12 THE COURT: It is her state of mind, overruled.

13 Q BY MR. BUGLIOSI: Before you began to testify at
14 this trial, Linda, did I or anyone else show you any
15 photographs of any of the victims in this case either in
16 life or in death?

17 MR. KANAREK: Immaterial, irrelevant.

18 THE COURT: overruled.

19 THE WITNESS: No.

20 Q BY MR. BUGLIOSI: Do you recall that once you
21 took the stand I did show you a photograph of Steven Parent,
22 dead, behind the steering wheel of his car?

23 A Yes.


24 MR. KANAREK: Immaterial, improper, irrelevant.

25 THE COURT: overruled.

26 Q BY MR. BUGLIOSI: Is that the first time you

13E3
1 ever had seen a photograph of any of the victims of this
2 case?

3 A Yes.

4 Q Linda, you testified on cross-examination by 
5 Mr. Kanarek that after you saw Steven Parent shot in the
6 car, from that point on you were in a state of shock at the
7 Tate residence.

8 Now, when you say "state of shock," what did
9 you mean when you said you were in a state of shock at the
10 Tate residence?

11 A Well, it was an experience I never, you know,
12 experienced before, and it was just unbelievable. It was
13 ~~somebody~~ I never expected to see.

14 I felt helpless, I don't know, I cannot
15 explain that.

16 THE COURT: Read the last part of the answer.
17 (Whereupon, the reporter reads the record.)

18 Q BY MR. BUGLIOSI: Though you were in what you
19 call a state of shock, did you feel you were completely
20 aware of everything that occurred in your presence?

21 MR. KANAREK: Objection, leading and suggestive
22 and argumentative, your Honor.

23 THE COURT: Overruled.

24 THE WITNESS: Yes.

25 Q BY MR. BUGLIOSI: ^{Is there} Any question in your mind
26 about that?

A. No



13E4
1 MR. KANAREK: I object, leading and suggestive.

2 THE COURT: Overruled.

3 THE WITNESS: No.

4 Q BY MR. BUGLIOSI: I show you People's 16 for
5 identification and draw your attention to a zero, or a
6 circle you have on the picture.

7 What does that designate?

8 A The light at the garage or some sort of a
9 building.

10 THE COURT: Keep your voice up.

11 THE WITNESS: A light on a building.

12 Q BY MR. BUGLIOSI: Okay, and what did you mean
13 to point out when you drew a circle around that light?

14 A I believe the question was asked if the light
15 was on that night, and I said yes, and this is the light.

16 MR. BUGLIOSI: Your Honor, may I draw an arrow and
17 insert the words "light that Linda saw" on it?

18 THE COURT: Very well.

19 MR. KANAREK: Your Honor, may it say "light that
20 Linda says she saw" on it?

21 THE COURT: Very well.

22 MR. BUGLIOSI: "Light that Linda testified she saw
23 on," your Honor.

24 THE COURT: May I see that, Mr. Bugliosi?

25 (Photograph handed to the court.)

26 THE COURT: The photograph now indicates the following

words:

"Light that Linda testified she saw on."

You may examine it if you like, Mr. Kanarek.

MR. KANAREK: If your Honor says it's there, I have faith that it is there.

13F

13f-1

1 BY MR. BUGLIOSI:

2 Q Linda, would you step down off the witness
3 stand for a moment and approach People's 8 for identifica-
4 tion, this diagram.

5 A (Witness approaches the diagram.)

6 I direct your attention, Linda, to a zero or
7 a circle by the door of the Tate residence.

8 MR. STOVITZ: Counsel, I don't believe these alter-
9 nate jurors can see unless you use a pointer there. Here
10 is a ruler.

11 (Bailiff hands a pointer to Mr. Bugliosi.)

12 THE COURT: Let's have Mr. Manson move over two
13 seats, Mr. Kanarek, in the corner there so the jurors may
14 see the diagram.

15 BY MR. BUGLIOSI:

16 Q I direct your attention, Linda, to a circle
17 which is near a front door of the Tate residence.

18 Did you put that circle on this diagram?

19 A Yes, I did.

20 Q What was that circle supposed to designate?

21 A To show where Mr. Frykowski was.

22 Q To show where Mr. Frykowski was or where Mr. --

23 THE COURT: Mr. Kanarek, kindly step back so the
24 jurors can see.

25 MR. KANAREK: May Mrs. Kasabian move over there?

26 Thank you.

1 BY MR. BUGLIOSI:

2 Q Where Mr. Frykowski was or where the post was?

3 A I guess it's the post. It says p-o-l-e,
4 pole there, I'm not sure.

5 Q It was you who inserted the word, p-o-l-e?

6 A Yes, I did.

7 Q You put an "M" by the pole?

8 A Yes, I did.

9 Q What did you mean by "M"?

10 A I don't know, I believe it was his question, I
11 forget.

12 Q Did he tell you to put the "M" by the pole?

13 A Oh, yes, it meant man.

14 Q When you were saying "man," you were referring
15 to Mr. Frykowski?

16 A Yes.

17 Q Was Mr. Frykowski near where you have written
18 p-o-l-e, or was he near where you placed a circle?

19 A He was near the circle.

20 MR. BUGLIOSI: Your Honor, may I then delete from
21 this diagram the "M"?

22 MR. KANAREK: Not at all, your Honor, the record is
23 what it is.

24 IF anyone in the jury wants it read back it
25 is there. I object to anything being deleted.

26 MR. BUGLIOSI: Your Honor, the record is clear that

1 Mr. Kanarek told Linda to place an M where she had written
2 the word pole, not where she made a circle.

3 I say that is confusing, and I think she
4 cleared it up right now.

5 THE COURT: Leave the diagram as it is. The record
6 will reflect her testimony.

7 BY MR. BUGLIOSI:

8 Q Will you please put a "VF" for Voityck
9 Frykowski, where Voityck was in relation to the pole?

10 (Witness complies.)

11 MR. BUGLIOSI: Thank you, you may resume the witness
12 stand.

13 (Witness resumes stand.)

14 MR. STOVITZ: May the record show on Exhibit 8 for
15 identification the witness put "VF" where, Counsel?

16 MR. BUGLIOSI: Right next to a circle near the front
17 door of the Tate residence.

18 BY MR. BUGLIOSI:

19 Q Do you recall testifying on cross-examination
20 by Mr. Kanarek, Linda, that you ran to the bottom of the
21 hill after seeing Tex stab Frykowski and after talking to
22 Sadie and testifying that the reason you ran to the bottom
23 of the hill was because there was nothing you could do to
24 stop what was happening?

25 Do you recall testifying to that?

26 MR. KANAREK: Leading and suggestive.

1 MR. FITZGERALD: He misquotes the witness.

2 THE COURT: Sustained.

3 MR. BUGLIOSI: It is just foundational, your Honor.

4 THE COURT: Either put the question directly to the
5 witness or read it from the transcript.

6 BY MR. BUGLIOSI:

7 Q Do you recall, Linda, after you saw Tex stab
8 Mr. Frykowski, and after talking to Sadie, do you recall
9 running to the bottom of the hill?

10 A Yes, I did.

11 Q Why did you run to the bottom of the hill?

12 A I was afraid and there was nothing to do,
13 I just ran.

14 Q So there were two reasons then, you were afraid,
15 and also you felt there was nothing you could do?

16 A Yeah.

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1 MR. STOVITZ: Volume 45, Counsel. I don't have my
2 copy with me.

3 MR. BUGLIOSI: Q Directing your attention to
4 Volume 45, Page 6603.

5 Would you read to yourself Lines 1 through 8?

6 MR. FITZGERALD: This is an improper procedure and
7 I am going to object to it.

8 If this is going to be introduced for past
9 recollection recorded, it is proper. Also, it is proper to
10 refresh a witness' recollection. And it is proper for
11 impeachment.

12 Taking it in the reverse order, I suggest
13 that he is not attempting to impeach her. In fact, he is
14 trying to rehabilitate her.

15 Furthermore, that he is not trying to refresh
16 the witness' recollection because there has been no
17 foundation laid that she doesn't have a recollection.

18 And I suggest that this isn't for the purpose
19 of impeachment.

20 THE COURT: You suggest it is not?

21 MR. FITZGERALD: I suggest it is not.

22 THE COURT: It doesn't appear to be.

23 MR. FITZGERALD: Unless he wishes to impeach his
24 own witness.

25 THE COURT: I don't understand your objection,
26 Mr. Fitzgerald.

14-2

1 What is objectionable about it? He apparently
2 is referring to a specific question and answer for the
3 purpose of asking another question.

4 MR. FITZGERALD: Well, he shows her the question
5 and the answer. Then he comes back here to counsel table
6 and reads it to her and asks her if she didn't in fact
7 testify to that.

8 Well, she has just seen the record.

9 THE COURT: That's right.

10 If it were impeachment, it might be objection-
11 able, but simply as a means of orientation for the purpose
12 of asking another question, I don't see anything wrong
13 with it.

14 Overruled.

15 MR. BUGLIOSI: Q Did you read those lines to
16 yourself, Linda?

17 A No, I didn't.

18 MR. KANAREK: May the record reflect that I join in
19 with Mr. Fitzgerald's comments?

20 MR. HUGHES: Join, your Honor.

21 MR. BUGLIOSI: Would you read Lines 1 through 8 to
22 yourself.

23 (Pause while the witness reads.)

24 MR. BUGLIOSI: Q Have you read those lines to
25 yourself?

26 A Yes. I don't have to read them, because I

14-3

1 know.

2 MR. KANAREK: Now, may we have that explained, your
3 Honor?

4 MR. BUGLIOSI: I am conducting the examination,
5 Mr. Kanarek. You will have an opportunity to examine later.

6 MR. KANAREK: She made some kind of a statement there,
7 your Honor.

8 THE COURT: I didn't hear it if she did.

9 MR. KANAREK: She said something to the effect that
10 she doesn't have to read it. I didn't quite get all the
11 words.

12 THE COURT: Did you get that remark?

13 Read back the answer.

14 (The answer was read by the reporter.)

15 THE COURT: That remark will be stricken. It is
16 gratuitous.

17 Let's proceed.

18 The jury is admonished to disregard it.

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1 MR. BUGLIOSI: Q Have I ever shown you this
2 transcript before, page 6603?

3 A I don't remember the number.

4 Q Have I ever shown you lines 1 through 8 at
5 any time prior to now?

6 A That I just read?

7 Q Prior to about a half a minute before. Before
8 a half a minute ago, at any other time, did I show you
9 this page, and have you read these lines?

10 A No.

11 Q Have you read these lines to yourself now?

12 A Yes.

13 Q Did you give these answers to these questions:

14 "Q BY MR. KANAREK: What were you doing
15 when you were on the ground?

16 "A I was thinking, trying to get my
17 thoughts together.

18 "Q I see. What were you thinking about?

19 "A My first thought was to go to the police
20 and get help."

21 Now, what period are you talking about there?

22 A Right after I ran down the hill, I laid down
23 on the ground.

24 Q Why didn't you go to the police and get help?

25 MR. KANAREK: Object. Calling for a conclusion,
26 your Honor.

1 THE COURT: Overruled.

2 THE WITNESS: Again, I had a vision. It was sort of
3 a vision. Charlie entered in my head again, Tanya was
4 there, and I was just afraid for Tanya's life.

5 Q Where did you think Tanya was?

6 A I knew she was back at the ranch.

7 Q Where did you think Charlie was?

8 A I knew he was back at the ranch.

9 MR. BUGLIOSI: Volume 38.

10 You have quite a bit of reading to do here,
11 Linda.

12 Q Directing your attention to Volume 38, will you
13 first read at page 5864, lines 7 through 26.

14 (Pause while the witness reads.)

15 THE WITNESS: Yes?

16 BY MR. BUGLIOSI:

17 Q Have you read these lines?

18 MR. KANAREK: May I read those lines?

19 THE COURT: Where is your transcript?

20 I suggest that you get it out.

21 MR. KANAREK: I am more than willing to, your Honor.
22 There are many many transcripts. I don't know which one
23 Mr. Bugliosi is referring to.

24 THE COURT: Each of them is numbered.

25 MR. KANAREK: Pardon me?

26 MR. BUGLIOSI: Q Directing your attention to

1 page 5865, Linda. Will you read lines 1 through 7 to
2 yourself.

3 (Pause while the witness reads.)

4 THE WITNESS: Yes.

5 BY MR. BUGLIOSI:

6 Q Have you read those lines to yourself?

7 A Yes.

8 Q Directing your attention to page 5873. Strike
9 that. Page 5872, lines 21 through 26.

10 Will you read those lines to yourself?

11 (Pause while the witness reads.)

12 THE WITNESS: Yes.

13 BY MR. BUGLIOSI:

14 Q Have you read those lines to yourself?

15 A Yes.

16 Q Directing your attention to page 5873, lines
17 1 through 10.

18 Will you read those lines to yourself.

19 (Pause while the witness reads.)

20 THE WITNESS: Yes.

21 BY MR. BUGLIOSI:

22 Q Have you read those lines to yourself?

23 A Yes.

24 Q To these questions, Linda, did you give these
25 answers: --

26 MR. KANAREK: May we have a line and page, your Honor?

1 THE COURT: You still haven't found it?

2 MR. KANAREK: I didn't get the first one. I didn't
3 locate the transcript by the time he was reading the very
4 first one.

5 This is a most unusual proceeding, your Honor.

6 I didn't have the transcript when he first
7 enunciated the first page and lines.

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1 MR. BUGLIOSI: Page 5864, Lines --

2 THE COURT: Write down the transcript reference,
3 Mr. Kanarek, when the question is first given.

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: Go ahead.

6 MR. BUGLIOSI: (Reading)

7 "Q BY MR. FITZGERALD: There is a
8 telephone at the ranch, isn't there?

9 "A Yes.

10 "Q There was a telephone at the
11 ranch in the vicinity of the corral; isn't
12 that correct; a pay telephone?

13 "A Yes.

14 "Q Did you attempt to use that
15 telephone to call anybody?

16 "A No.

17 "Q Now, there were certainly
18 people at the ranch who had some connection
19 with the care and feeding of the horses; isn't
20 that right?

21 "A Yes.

22 "Q And they didn't have anything to
23 do with the other people who were present on
24 the ranch; isn't that correct?

25 "A We spoke, but they weren't,
26 you know, in with the Family, no.

14B2

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"Q Did you tell any of these people about what had occurred the preceding two nights?

"A No.

"Q Did you ask any of those people for help?

"A No.

"Q There is also a phone in George Spahn's house, isn't there, on the ranch?

"A Yes.

"Q Did you attempt to use that phone at any time?

"A No.

"Q Did you attempt to tell Mr. Spahn what had occurred the preceding two nights?

"A No."

And then:

"Q The next day when you went downtown, you actually came into the Hall of Justice, this very building, didn't you?

"A I guess it was this building. I am not sure of the building.

"Q Did you see any police officers wearing uniforms in this building?

"A Possibly. I don't remember.

Oh, yes, I think I did.

4B3

1 "Q Did you see signs in the
2 building that said Los Angeles County
3 Sheriff's office?

4 "A I don't remember signs.

5 "Q Did you attempt to tell any
6 of these sheriffs or any of the personnel in
7 this building what had occurred on August the
8 8th and 9th?

9 "A No."

10 Did you give those answers to those questions?

11 MR. KANAREK: I object. That is an improper question,
12 your Honor.

13 If he is challenging the record --

14 THE COURT: Overruled.

15 THE WITNESS: Yes.

16 MR. BUGLIOSI: Q Why didn't you tell, Linda,
17 these various people what had happened these two nights?

18 A I was just afraid.

19 Q What were you afraid of?

20 A I thought that policemen were pigs.

21 Q Any other reason?

22 MR. KANAREK: Your Honor, I think counsel is
23 interrupting the witness. He is not allowing her to
24 finish, your Honor.

25 THE COURT: Had you finished?

26 MR. BUGLIOSI: Do you have any other reason?

B4

1 THE WITNESS: I was afraid everybody would say I was
2 crazy, and maybe Charlie would kill me, and kill my little
3 girl.
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L4C-1

1 MR. BUGLIOSI: Q You testified, Linda, that
2 when you left the Spahn Ranch for Taos, New Mexico, in
3 Dave Hannon's car, that you didn't believe that Tanya,
4 who was still at the ranch, would be harmed.

5 Do you recall that?

6 A Yes.

7 Q Now, when you left Spahn Ranch for Taos,
8 New Mexico, did you intend to contact the police at that
9 time and tell the police about these two nights?

10 MR. KANAREK: Object. That is irrelevant and
11 immaterial, your Honor, and calls for a conclusion.

12 THE COURT: Sustained.

13 MR. STOVITZ: Your Honor, we anticipate an answer
14 other than the conclusionary answer that counsel objected
15 to.

16 I think the purport of the question is to
17 explain the previous answer that she had given on her
18 cross-examination.

19 MR. KANAREK: Then he can ask a proper question, your
20 Honor.

21 MR. BUGLIOSI: I am asking her, your Honor, if, when
22 she left --

23 THE COURT: Let's go back and read the question.

24 (The record was read by the reporter.)

25 MR. KANAREK: Furthermore, it is ambiguous, your
26 Honor.

1 Did she intend to do it as she went through
2 Artesia, or as she went through Phoenix?

3 MR. BUGLIOSI: I will make it more specific, then,
4 your Honor.

5 THE COURT: Very well. Reframe your question.

6 MR. BUGLIOSI: Q As you were leaving Spahn Ranch;
7 that is, as you departed from Spahn Ranch for Taos, New
8 Mexico, and Tanya was still at Spahn Ranch, at that time,
9 was it your intent at that time to contact the police and
10 tell them about these two nights of murder?

11 MR. KANAREK: I object on the grounds it is
12 ambiguous.

13 Was it her intent to contact the police in
14 the West Valley, or in Los Angeles, or where? It is
15 immaterial.

16 THE COURT: Overruled.

17 THE WITNESS: No.

18 MR. BUGLIOSI: Q If you had intended to contact
19 the police at that point and tell them about these two
20 nights of murder, would you have left Tanya back at the
21 ranch?

22 MR. KANAREK: Object, your Honor. Calling for
23 conjecture.

24 THE COURT: Sustained.

25 MR. BUGLIOSI: It goes to her state of mind, your
26 Honor.

THE COURT: The question is objectionable.

1 MR. BUGLIOSI: Q Did the fact that you didn't
2 intend to call the police or contact the police and tell
3 them about these two nights of murder, did that have any-
4 thing to do with your leaving Tanya behind?

5 MR. KANAREK: Object. Calling for a conclusion.
6 It is leading and suggestive. It calls for conjecture.

7 The form of the question is improper.
8 It is ambiguous.

9 THE COURT: Sustained.

10 MR. BUGLIOSI: Q Why didn't you want to contact
11 the police at that time; that is, when you left S^hpahn
12 Ranch for Taos?

13 MR. KANAREK: That is assuming facts not in evidence.

14 As a matter of fact, your Honor --

15 MR. BUGLIOSI: She already testified that she didn't
16 intend to call the police at that time, your Honor. Now
17 I am asking her why she didn't intend to do so.

18 MR. KANAREK: Your Honor, it is ambiguous. It assumes
19 facts not in evidence. As to what time?

20 THE COURT: What facts?

21 MR. KANAREK: Pardon?

22 THE COURT: What facts?
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14d-1

1 MR. KANAREK: Well, your Honor, he is asking her
2 wherein the question has an ambiguity in it.

3 The question he is asking her does not relate
4 to time sufficiently definite so that whatever the witness
5 answers it has any meaning.

6 THE COURT: Your response to my question doesn't have
7 any meaning to me.

8 The objection is overruled.

9 MR. STOVITZ: May the question be put to the witness
10 so that the jury can also hear it.

11 THE COURT: Yes.

12 (The question was read by the reporter.)

13 MR. KANAREK: That is what I'm saying, your Honor.
14 I don't believe the record is clear --

15 THE COURT: The objection is overruled.

16 THE WITNESS: Would you read the question again?

17 (The question was again read by the reporter.)

18 THE WITNESS: Why didn't I want to contact the police?

19 Well, my only intent at that time was to go to
20 my husband and talk to my husband about it and tell him
21 about it.

22 I was afraid of the police. I didn't know
23 how to go to the police.

24 MR. BUGLIOSI: Q Well, what I am concerned about
25 now, Linda, is that you left Tanya back at Spahn Ranch
26 and you left the Spahn Ranch for Taos; is that correct?

14d-2

1 A Yes.

2 Q The question I am concerned about is: If
3 you had intended to call the police at that particular
4 moment, would you have left Tanya back at Spahn Ranch
5 with Charlie?

6 MR. KANAREK: That is the same question, your Honor.
7 It calls for conjecture.

8 THE COURT: Sustained.

9 MR. BUGLIOSI: It only goes to her state of mind.
10 It is not a conclusion as to any ultimate fact in the case.

11 THE COURT: It calls for conjecture.

12 BY MR. BUGLIOSI:

13 Q What was your state of mind with respect to
14 leaving Tanya at the ranch when you left Spahn Ranch
15 for Taos?

16 A Now was the time to leave. And the situation--
17 it was impossible for me to take her, and I just knew
18 within myself that she was going to be all right, no
19 harm was going to come to her.

20 Q Was one of the reasons --

21 MR. KANAREK: Can she finish her answer?

22 MR. BUGLIOSI: Are you finished?

23 THE WITNESS: That is it.

24 BY MR. BUGLIOSI:

25 Q Was one of the reasons that you felt no
26 harm would come to her because you didn't intend to call

the police?

MR. KANAREK: Leading and suggestive.

MR. BUGLIOSI: She can answer yes or no.

It is relevant to her state of mind.

THE COURT: You may answer.

Overruled.

THE WITNESS: I guess so.

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14e-1

1 BY MR. BUGLIOSI:

2 Q I don't want you to guess, Linda. I am
3 concerned about your state of mind.

4 Do you want that question read back to you?

5 A Yes.

6 THE COURT: Read the question.

7 (The question was read by the reporter.)

8 THE WITNESS: I still really don't understand the
9 question.

10 MR. BUGLIOSI: Very well.

11 Q I believe you testified that when you left
12 Spahn Ranch for Taos, New Mexico, you didn't think any
13 harm would come to Tanya who was still back at Spahn Ranch;
14 is that correct?

15 A Yes.

16 MR. KANAREK: I object to the form of that question,
17 your Honor, as to what she testified to.

18 THE COURT: Overruled.

19 MR. KANAREK: It is an improper question, your Honor.

20 THE WITNESS: Yes.

21 BY MR. BUGLIOSI:

22 Q Is your answer yes to that?

23 A Yes.

24 Q I believe you also testified that when you left
25 Spahn Ranch for Taos, New Mexico, you did not intend to
26 contact the police at that time and tell them about these

1 two nights of murder; is that correct?

2 MR. KANAREK: I object, your Honor, on the grounds
3 that it is leading and suggestive.

4 THE COURT: Overruled.

5 MR. KANAREK: I object to the form of the question.

6 THE WITNESS: Right.

7 BY MR. BUGLIOSI:

8 Q Now, the question is:

9 If you had intended to contact the police at
10 that particular moment in time, would you have left Tanya
11 back at Spahn Ranch?

12 MR. KANAREK: That is the third time that he asked
13 that same question, your Honor. It is calling for conjec-
14 ture.

15 THE COURT: Sustained.

16 MR. BUGLIOSI: May we approach the bench on this
17 issue, your Honor?

18 THE COURT: It is not necessary.

19 It calls for conjecture, Mr. Bugliosi.

20 Ladies and gentlemen, do not converse with
21 anyone nor form or express any opinion regarding the case
22 until it is finally submitted to you.

23 The court will adjourn until 9:45 tomorrow
24 morning.

25 (Whereupon at 4:16 o'clock pm. the court
26 was in recess.)